



WMP(MD). No.22601 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

Thursday, the Third day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

AND

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

WMP(MD). No.22601 of 2022

in

WP(MD).No18582 of 2022

1. Sakthivel.V

2. Abirami

... Petitioners/Petitioners

Vs

Gic Housing Finance Limited
Through its Authorised Officer
V.Kumaraguru

... Respondent/Respondent

Prayerin WMP(MD). 22601/ 2022 :-

This Writ Misceellaneous Petition filed under Article 226 of constitution of India to extend the time for a period of one month to comply with the order passed by this Honble Court dated 10.11.2022 in the above WP(MD) No. 18582 of 2022 and thus render justice.



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Prayer in WP(MD). 18582/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari call for the records pertaining to the order passed by the learned Chief Judicial Magistrate made in CrI.M.P.1444/2022 dated 1.8.2022 and quash the same as illegal and arbitrary and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. Jameel Arasu, Advocate for the Petitioner and of Ms.Balameenashi, Advocate for the respondent, this Court made the following order:

[Order of the Court made by **S.S.SUNDAR, J.**]

Heard the learned counsel for the petitioners and the learned counsel appearing for the respondent – bank.



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2. The petitioners earlier filed a writ petition in W.P(MD)No.18582 of 2022 challenging the order passed by the learned Chief Judicial Magistrate, Tiruchirappalli, in the application filed by the bank under Section 14 of the Sarfaesi Act, 2002 in CrI.M.P.No.1444 of 2022, dated 01.08.2022,

3. Though this Court has held that the writ petition is not maintainable, disposed of the writ petition vide order, dated 10.11.2022, by directing the petitioners to pay 25% of the remaining outstanding amount on or before 10.12.2022 and to pay the balance outstanding amount in six consecutive equal monthly installments.

4. As per the direction of this Court, the first installment ought to have been paid on or before 10.01.2023 and the subsequent five installments ought to have been paid before 10th day of every succeeding English Calendar month. This Court has also observed that till such time, no coercive should be taken by the respondent bank.

5. The above said order, dated 10.11.2022, is sought to be modified by seeking extension of time in the application, which was filed on 14.12.2022.

6. Despite eight months have lapsed thereafter, the petitioner is unable to make substantial payment in terms of the directions of this Court vide order, dated



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10.11.2022. Therefore, this petition cannot be entertained on merits. Hence, this Writ

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Miscellaneous Petition is dismissed. However, it is open to the petitioners to approach the bank or to approach the Debts Recovery Tribunal for appropriate relief.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)

TO

THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.

+1 CC to M/s.J.BALAMEENAKSHI, Advocate (SR-11926[I] dated 07/08/2023)

Hon`ble Mr.Justice S.S.SUNDAR

AND

Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

ORDER DATED : 03/08/2023

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ORDER

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in

WP(md))No.18582 of 2022

Giving direction and etc.
as stated within.



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MK/10.08.2023 5P 3C

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023



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