



W.P.No.8140 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

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1.M/s.A.V.Cashews,  
rep. by its Proprietor Suresh Vadivel,  
Having Office at No.322, Chinna Purangani,  
Kadampuliyur Post,  
Panruti-607 103.

2.Suresh Vadivel

.. Petitioners

Vs

The Karur Vysya Bank Limited,  
Asset Recovery Branch,  
rep. by its Authorised Officer/Chief Manager  
P.S.Sundarvardan,  
No.375, No.1, Padmavathiyar Road,  
2<sup>nd</sup> Floor, Gopalapuram,  
Chennai-600 086.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order dated 23.2.2024 made in I.A.No.356 of 2024 in S.A.No.102 of 2024 on the file of Debts Recovery Tribunal-II, Chennai by imposing condition on the petitioners



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remitting an amount of Rs.1,26,00,000/- in three equal installments on or before 22.03.2024 and 19.04.2024 respectively is concerned and to quash the same, consequently time may be extended suitably for further payment of two installments.

For the Petitioners : Mr.S.Sukumar

For the Respondent : Mr.P.Ragunathan  
fr M/s.T.S.Gopalan & Co.

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Learned counsel for the petitioners seeks leave to withdraw the writ petition.

2. In fact, the petitioners are enjoying the interim order passed by this Court from 25.03.2024. The interim order was granted on condition that the petitioners shall deposit Rs.75.00 lakh by 4.4.2024 and the remaining amount by 19.4.2024. On 5.4.2024, we had further extended the time to deposit Rs.75.00 lakh till 12.4.2024. On 15.4.2024, an assurance was given by



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learned counsel for the petitioners that Rs.15.00 lakh would be deposited by 16.4.2024 and the remaining Rs.60.00 lakh by 24.4.2024.

3. Now, without complying the said order and in defiance of the assurance given by learned counsel for the petitioners, a request is made to withdraw the writ petition.

4. The order directing the petitioners to deposit the amount is already on record. In any other proceedings, the said order would certainly come in the way of the petitioners.

5. As the petitioners are enjoying the interim order on the false assurance and now seek leave to withdraw the writ petition, the writ petition is dismissed as withdrawn with cost of Rs.10,000/- (Rupees Ten Thousand only) to be deposited by the petitioners with the Registry. Consequently, W.M.P.No.9085 of 2024 is closed. W.M.P.No.9084 of 2024 filed by the petitioners to



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permit them to file a single writ petition is allowed and disposed of, inasmuch the petitioners have paid separate court-fee.

(S.V.G., C.J.)

(J.S.N.P., J.)

24.04.2024

Index : Yes/No  
Neutral Citation : Yes/No  
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To

The Authorised Officer/Chief Manager  
Karur Vysya Bank Limited,  
Asset Recovery Branch,  
No.375, No.1, Padmavathiyar Road,  
2<sup>nd</sup> Floor, Gopalapuram,  
Chennai-600 086.



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THE HON'BLE CHIEF JUSTICE  
AND  
J.SATHYA NARAYANA PRASAD,J.

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