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W.P.No.36434 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.36434 of 2023

1.M/s.ACAL Computer,
rep. by its Proprietor A.Sunder,
No.99, E2, Chairman Duraisamy Road,
Krishnagiri Main Road,
Tirupattur-635 601,
Tirupattur District.

2.A.Sunder,
Proprietor of M/s.ACAL Computer System,
No.216, Pudupet Road,
Tirupattur-635 601,
Tirupattur District.

.. Petitioners

VS

1.The Authorized Officer,
HDB Financial Service Ltd.,
Branch Office at 4th Floor,
Loyal Towers,
No.68/2, Greams Road,
Chennai-600 006.



W.P.No.36434 of 2023

2.HDB Financial Service Ltd.,
Reg. Office at Radhika,
2nd Floor, Navarangpura,
Ahmedabad-380 009.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the entire records relating to the impugned order made in CrI.M.P.No.5864 of 2020 dated 25.02.2021 on the file of the Chief Judicial Magistrate, Vellore, quash the same consequently direct the learned Chief Judicial Magistrate to consider Cr.M.P.No.5864 of 2020 afresh.

For the Petitioners : Mr.B.Manimaran

For the Respondents : Mr.Ajmal Azzath

ORDER

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

We have heard Mr.B.Manimaran, learned counsel for the petitioners and Mr.Ajmal Azzath, learned counsel for the respondents.

2. The appeal filed by the petitioners is pending before the



W.P.No.36434 of 2023

Debt Recovery Appellate Tribunal.

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3. It is submitted that the appeal is kept on 10.01.2024.

4. As the appeal has been preferred by the petitioners, the petitioners may put-forth their case before the Debt Recovery Appellate Tribunal.

5. In view of the above, the writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.36446 of 2023 is closed. W.M.P.No.36445 of 2023 filed by the petitioners to permit them to file a single writ petition is allowed and disposed of, inasmuch as the petitioners have paid separate sets of court fee.

(S.V.G., CJ.)

(D.B.C., J.)

03.01.2024

Index : Yes/No
Neutral Citation : Yes/No
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W.P.No.36434 of 2023

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W.P.No.36434 of 2023

03.01.2024



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W.P.No.36434 of 2023