



WMP(MD). No.1057 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Eighteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon'ble Mr.Justice D.KRISHNAKUMAR

AND

The Hon'ble Mr.Justice R.VIJAYAKUMAR

WMP(MD). No.1057 of 2024

in

WP(MD) No.13377 of 2023

1. Dhanraj
2. Subadevi
3. Maxican Export,
No.8/132, Andan Kovil Road,
Amaravathy Nagar,
Karur District.

... Petitioners/Petitioners

- Vs. -

The Authorized Officer,
Cholamandalam,
Investments and Finance Company Ltd.,
Erode Branch,
Erode District.

... Respondent/ Respondents

Prayer in WMP(MD). No.1057 of 2024 :-

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, praying to grant extension of time to comply the order of this Court dated 01.11.2023 made in WMP.(MD).No.19332 of 2023 in W.P.(MD).No.13377 of 2023.



WMP(MD). No.1057 of 2024

Prayer in WP(MD) No.13377 of 2023 :-

WEB COPY

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the learned Chief Judicial Magistrate, Karur in CrI.MP.No.3622 of 2023 dated 17.05.2023 and quash the same as illegal and consequently direct the respondent bank not to attach the petitioners dwelling house and also allow us to continue to pay the forthcoming EMIs to the loan account numbers XOHEKRU00003296743 and HE02KRU000000001906.

ORDER:- This Petition coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.G.Thalaimutharasu, Advocate for Mr. R.Ramaguru, Advocate appearing on behalf of the Petitioners herein and Mr.P.Pethu Rajesh, Advocate for the respondent, this Court made the following order:

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This petition has been filed to grant extension of time to comply with the order of this Court dated 01.11.2023 made in W.M.P.(MD)No.19332 of 2023 in W.P.(MD) No.13377 of 2023.

2.The learned counsel appearing for the respondent Finance Company has stated that this is the second petition, seeking extension of time. This Court by order dated 01.11.2023 has granted three weeks time for paying the balance amount of Rs.20,00,000/- (Rupees Twenty Lakhs Only) as directed by this Court on 08.06.2023 and observed that in case the amount is not paid, it is open to the Bank to proceed to invoke SARFAESI and to proceed in accordance with law and further observed that



WMP(MD). No.1057 of 2024

no further application for extension of time shall be entertained by this Court.

WEB COPY

3.In view of the above, when there is a specific order, we are not inclined to entertain this petition. Accordingly, this petition is dismissed. It is for the petitioners to workout their remedy before the appropriate forum. We make it clear that if the petitioners have not obtained any order from the concerned forum, the respondent Finance Company shall proceed further from 29.01.2024. We further make it clear that we have not gone into any other grounds raised in this petition or with regard to limitation.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS-I/ II / III /IV)

To

The Chief Judicial Magistrate,
Karur.



WEB COPY



WMP(MD). No.1057 of 2024

ORDER DATED : 18/01/2024

=====

ORDER

=====

WMP(MD). No.1057 of 2024

in

WP(MD) No.13377 of 2023

Giving direction and etc.

as stated within.

SSA/06.02.2024 4P 2C

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