



W.P.(MD) No.3275 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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M.Hariff,
Proprietor,
M/s.W.Auto,
D.No.327, Mullai Street,
Thendral Nagar, Gomathipuram,
Madurai – 625 020.

... Petitioner

-VS-

1.The Authorized Officer,
India Bulls Commercial Credit Ltd,
No. 6/9, Demontee Street,
Santhome High Road,
Santhome, Chennai – 4.

2.M/s.India Bulls Commercial Credit Ltd.,
Rep. by its Branch Manager / Authorized Officer,
No. 6/9, Demontee Street,
Santhome High Road,
Santhome, Chennai – 4.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to re-schedule the accounts on the petitioner's monthly installments on payment of the default dues and regularize the same enabling the petitioner to pay the loan amounts on monthly installments.

For Petitioner : Mr.Veera Kathiravan,
Senior Counsel for Mr.F.Deepak

For Respondents : Mr.N.Dilipkumar,
Standing Counsel

ORDER

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

This Writ Petition has been filed by the petitioner seeking a Writ of Mandamus, to direct the respondents to re-schedule the accounts on the petitioner's monthly installments on payment of the default dues and regularize the same enabling the petitioner to pay the loan amounts on monthly installments.

2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself.



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3. Learned Standing Counsel for the respondents strongly objected the prayer of the writ petitioner by stating that the petitioner has filed S.A.No.642 of 2023 before the Debts Recovery Tribunal, Madurai, and obtained an order of interim stay on condition to pay 30% of the suit amount of Rs.1,90,32,333.50p, in three equal installments to the second respondent. The first installment was scheduled on 11.12.2023, the second installment was scheduled on 11.01.2024 and the third installment was scheduled on 12.02.2024. The petitioner has paid only the first installment and has failed to pay the subsequent installments. Hence, the petitioner has come forward with this Writ Petition with the aforesaid prayer, which is liable to be dismissed.

4. We have considered the rival submissions and perused the materials available on record.

5. There is force in the contention of the learned Standing Counsel for the respondents. Admittedly, the petitioner has filed S.A.No.642 of 2023 before the Debts Recovery Tribunal, Madurai, and obtained an order of interim stay on condition to pay 30% of the suit amount of Rs.1,90,32,333.50p, in three



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equal installments. Though the petitioner has paid the first installment, he has failed to pay the remaining two installments. Further, the petitioner has not made any representation to the respondents to re-schedule the payment of loan. Hence, we are not inclined to entertain the Writ Petition and the same is liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. However, it is open to the petitioner to seek extension of time before the Debts Recovery Tribunal for complying with the conditional order or to workout his ready before the appropriate forum in accordance with law. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
14.02.2024

Index : Yes / No
Internet : Yes / No
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and
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