



W.P.(MD) No.2800 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2024

CORAM:

THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVU

W.P.(MD) No.2800 of 2023
and
WMP(MD)Nos.2594 and 2598 of 2023

Kavitha

... Petitioner

-VS-

M/s. Fullerton India Home Finance Company Limited,
Rep. by its Authorised Officer T.Balakumar,
No.178, 1st Floor,
Krishnasamy Mudhaliyar Road,
R.S.Puram, Coimbatore-641 002.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the Learned Chief Judicial Magistrate, Theni, in Cr.M.P.No.5401 of 2022, dated 21.12.2022 and quash the same as illegal.



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For Petitioner : Mr.A.Gnana Sekar
for M/s.G.Anto Prince

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.A.Ganana Sekar, learned counsel for the petitioner.

2. The petitioner is challenging the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act).

3. The said order is passed on 21.12.2022. The order passed under Section 14 of the SARFAESI Act can be challenged before the Debts Recovery Tribunal (DRT).



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4. In the light of that, the writ petition is disposed of with liberty to the petitioner to avail the alternative remedy. In that event, all contentions of the respective parties are kept open. The time spent in prosecuting the present writ petition shall be considered by the DRT while considering the question of delay.

5. Consequently, W.M.P. (MD) Nos.2594 and 2598 of 2023 are closed.

There shall be no order as to costs.

[S.V.G., C.J.]

[P.D.A., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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THE HONOURABLE CHIEF JUSTICE
and
P.D.AUDIKESAVALU, J.

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