



W.P(MD)No.4678 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.4678 of 2025
and
W.M.P(MD)Nos.3362 & 3363 of 2025**

Kamalam

... Petitioner

vs.

1.The Authorized Signatory,
M/s.Cholamandalam Investment and Finance Company Limited,
PLA Tower 2nd Floor,
No.30, Gandhi Nagar,
Dindigul Main Road,
Ponnagar,
Trichy.

2.The Authorized Officer,
M/s.Cholamandalam Investment and Finance Company Limited,
Chola Crast,
No.C 54-55 & Super B-4,
Thiru Vi.Ka Industrial Estate,
Guindy,
Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari calling for the records pertaining to

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the impugned order passed by the Chief Judicial Magistrate, Karur in his proceedings in Cr.M.P.No.1975 of 2024 dated 24.01.2025 and quash the same.

For Petitioner : Mr.J.Sivaram

For Respondents : Mr.V.Siva Kumar

ORDER

(Order of the Court was made by J. NISHA BANU, J.)

The petitioner has filed the present Writ Petition to quash the impugned order passed by the Chief Judicial Magistrate, Karur vide proceedings in Cr.M.P.No.1975 of 2024 dated 24.01.2025.

2.When the matter came up for hearing on 20.02.2025, this Court passed the following order:

“The petitioner availed a loan to the tune of Rs.21 lakhs from the respondent Finance Company by mortgaging his property. The petitioner, though initially was paying the monthly instalment without fail, was default in repayment of loan. Hence, the respondent Finance Company initiated proceedings under SARFAESI Act and obtained an order of possession. Challenging the same, the petitioner has filed this petition.



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2.The learned counsel for the petitioner submits that the respondent Finance Company has not rightly calculated the due amount to be repaid by the petitioner. He further submits that a case filed under Section 138 of the NI Act by the respondents is also pending before the learned Metropolitan Magistrate, Culcutta. The learned Judicial Magistrate, Karur, without taking note of the pendency of the above said case, has passed the order of possession.

3.The learned counsel for the petitioner would further, on instructions, submits that the petitioner is ready to pay the entire amount due to the respondent Finance Company.

4.In view of the above, the petitioner is directed to pay the entire outstanding amount in three equated monthly instalment. The first instalment of the same shall be paid on or before 27.02.2025. The second instalment shall be made on or before 27.03.2025 and the third instalment shall be paid on or before 25.04.2025.

5.List this matter on 05.03.2025 'for reporting compliance'."



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3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that the first instalment of the conditional order passed by this Court has not been complied with.

4. Since the conditional order passed by this Court dated 20.02.2025 has not been complied with by the petitioner, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[J.N.B.,J.] & [S.S.Y.,J.]
05.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
W.P(MD)No.4678 of 2025

DATED : 05.03.2025