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W.P.(MD) No.11213 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2026

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD) No.11213 of 2025

and

W.M.P.(MD) Nos.8358 & 8364 of 2026

1.Pathmanabhan Muthusamy

2.Easwari P

3.Avery Knitwear

rep.by Pathmanabhan Muthusamy

No.302, Sowmiya Oil Compound

Vijayamangalam Main Road

Uthukuli, Tamilnadu-638 751

... Petitioners

-vs-

M/s.Cholamandalam Investment

and Finance Company Limited

Recovery Manager

A.Chandra Narayanan Alagersamy

No.2/3, G.V.Towers, III Floor

Melakkal Main Road

Madurai-625 016

... Respondent



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned order passed by the learned Presiding Officer, Debts Recovery Tribunal, Madurai in I.A.No.838 of 2025 in S.A.No.131 of 2025 and quash the same.

For Petitioners : Mr.S.Suresh

For Respondent : Mr.P.Pethu Rajesh

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

This writ petition is filed challenging the conditional order, dated 25.02.2025, passed in I.A.No.838 of 2025 in S.A.No.131 of 2025, on the file of the Debts Recovery Tribunal, Madurai, imposing a condition on the petitioners to pay the amount due in four equal monthly installments as detailed below without going into the merits of the case:

“Without going into the merits of the case and considering the submissions of Petitioner counsel, stay of all further proceedings pursuant to the order of the Ld. CJM, Coimbatore passed in CrI.MP.No. 25873/2024 dated 30.01.2025 is granted till 27.06.2025, with respect to the petition schedule mentioned property, subject to payment of 40% after



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deduction of paid amount (i.e.,Rs.67,05,499) in 4 equal installments directly to the Respondents FI as mentioned here under:

<i>Installment</i>	<i>Date (on or before)</i>	<i>Amount</i>
<i>1st installment</i>	<i>25.03.2025</i>	<i>Rs.6,71,000/-</i>
<i>2nd installment</i>	<i>25.04.2025</i>	<i>Rs.6,71,000/-</i>
<i>3rd installment</i>	<i>26.05.2025</i>	<i>Rs.6,71,000/-</i>
<i>4th installment</i>	<i>26.06.2025</i>	<i>Rs.6,71,000/-</i>

In case of non-payment of any one of the installments in time, the stay stands vacated automatically and the Respondents FI is at liberty to proceed further pursuant to the order passed by Ld. CJM, Coimbatore in CrI. MP.No.25873/2024, dated 30.01.2025. If the Petitioner complies with the order, the stay granted shall be made absolute, pending disposal of the SA automatically.

For filing Proof of payment by the Applicant and for filing Vakalath, Reply Statement and Typeset of Papers by the Defendant FI, call on 27.06.2025.”

2. This Court has granted interim stay of the above order for a period of eight weeks *vide* order dated 22.04.2025 and this matter was not listed thereafter. Today, when the matter is taken up for hearing, learned



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counsel for the petitioners submitted that even after expiry of the stay period, till date, the petitioners have not paid any amount towards the loan account, which has been declared as “Non-Performing Asset” and for which, the subject property has been attached by the learned Chief Judicial Magistrate, Coimbatore, *vide* order dated 30.01.2025 in Crl.M.P.No.25873 of 2024. Since the attachment order passed by the learned Chief Judicial Magistrate, Coimbatore, is in connection with the loan due and payable by the petitioners to the respondent – Finance Institution and in spite of giving some reprieve, the petitioners have not paid the loan amount and they are keeping the due undischarged, we are not inclined to entertain this writ petition.

3. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.] [K.K.R.K., J.]
18.02.2026
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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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