

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.8.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.13734 of 2015

S.Durgavathy

... Petitioner

- Vs -

The Secretary, The Madras
City Co-operative Building Society Ltd No.
G.523 No.101, Vellala Street, Purasawakkam
Chennai-600 084.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus directing the respondent to release the original title document which was pledged in Loan No.242 after receiving the loan as One time Settlement by waiving some portion of interest entire penal interest and penalty within the time frame.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.R.S.Anandan

ORDER

The writ petition is filed for the issuance of a writ of mandamus directing the respondent to release the original title document which was pledged in Loan No.242 after receiving the loan as One time Settlement by waiving some portion of interest entire penal interest and penalty.

2. Admittedly, the petitioner is a defaulter. Being a member of the respondent society, she obtained loan. At the time of obtaining loan, she mortgaged documents. The respondent foreclosed the loan due to non payment. As per the reply dated 05.05.2015, a sum of Rs.9,82,762.75 is pending. In the meantime, an award has been passed under Rule 126(2)(e) on 30.11.2011. At present, the property has been brought up for sale. Therefore, the prayer sought for by the petitioner cannot be sustained.

3. Apart from the fact that the writ petition is not maintainable, the petitioner cannot seek a direction to adjudicate the commercial dispute.

4. Considering the facts and circumstances of the case, the petitioner is at liberty to pay a sum of Rs.4 lakhs within a period of four weeks to the respondent and she shall pay the remaining amount in two equal monthly installments within a period of four months, thereafter. In the meantime, it is open to the respondent to consider the possibility of waiving interest. Non compliance of the order passed would entitle the respondent to proceed further.

Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

The Secretary, The Madras
City Co-operative Building Society Ltd No.
G.523 No.101, Vellala Street, Purasawakkam
Chennai-600 084.

1 cc to Mr. R.S,Anandan, Advocate Sr.No.41829

1 cc to Mr.C.Munusamy , Advocate Sr.No.41802

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msm(co)

pmk.12.8.2015

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