



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Friday, the Sixteenth day of December Two Thousand Sixteen

PRESENT

**The Hon`ble Mr.Justice R.SUBBIAH**  
**and**

**The Hon`ble Mrs.Justice J.NISHA BANU**

WMP(MD) No.16720 of 2016

IN

WP(MD) No.18719 of 2016

1 VAILA BABY  
2 REX HENRY  
3 B.ABISH HENRY  
4 B.SHEKINAH

... PETITIONERS

Vs

1 THE INDIAN BANK  
REPRESENTED BY ITS AUTHORISED OFFICER, NAGERCOIL BRANCH,  
NAGERCOIL  
  
2 THE DEBTS RECOVERY TRIBUNAL  
REPRESENTED BY ITS REGISTRAR, III AND IV, KALYANI TOWERS,  
4/162, MADURAI - MELUR ROAD,  
UTHANGUDI, MADURAI 625 107

... RESPONDENTS

Miscellaneous Petition under Section 226 of the Constitution of India, praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suitably modify the order passed in WP 18719/2016 dated 18.10.2016 and extend the time limit as mentioned in para 5 of the affidavit.

Prayer in WP(MD)No.18719/2016:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records from the 2nd respondent Tribunal order dated 23.08.2016 in IA: 1669 of 2016 in SA: 303 of 2016 and to quash the same in so far as the conditions imposed on the petitioner to pay a sum of Rs. 12,84,000/-.

ORDER : This petition coming on for hearing on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.D.SELVANAYAGAM, Advocate for the petitioner and of Mr.R.Pandivel, Advocate for the first respondent , this Court made the following order:-

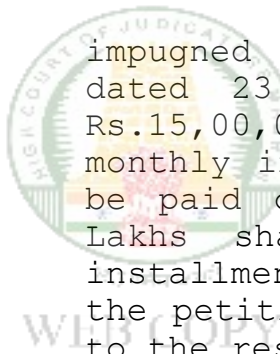
**O R D E R**

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[Order of the Court was made by **R.SUBBIAH, J.**]

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This Court, by order dated 18.10.2016, in W.P.(MD)No.18719 of 2016, disposed of the Writ Petition, by modifying the conditional



impugned order made in I.A.No.1669 of 2016 in S.A.No.303 of 2016, dated 23.08.2016, directing the petitioners to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) by way of three equated monthly installments and the first installment of Rs.5 Lakhs shall be paid on or before 30.11.2016, the second installment of Rs.5 Lakhs shall be paid on or before 05.01.2017 and the third installment of Rs.5 Lakhs shall be paid on or before 06.02.2017. If the petitioners fail to pay anyone of the installments, it is open to the respondent bank to proceed further in accordance with law.

2. Now, the petitioners have come forward with the present petition to modify the order dated 18.10.2016 and also for extension of time.

3. The learned counsel for the first respondent bank vehemently opposed the petition to modify the order stating that the intention of the petitioners is only to drag on the proceedings in somehow or other.

4. However, considering the submissions made on either side, this Court modified the order dated 18.10.2016, in W.P.(MD)No.18719 of 2016, as follows:

The petitioners shall pay the first installment of Rs.5 Lakhs on or before 31.12.2016. The second installment of Rs.5 Lakhs shall be paid on or before 15.01.2017 and the third installment of Rs.5 Lakhs shall be paid on or before 06.02.2017. It is made clear that this Court will not grant any further time.

5. This Petition is closed accordingly.

sd/-

16/12/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1.THE AUTHORISED OFFICER , THE INDIAN BANK  
, NAGERCOIL BRANCH, NAGERCOIL  
2.THE REGISTRAR, THE DEBTS RECOVERY TRIBUNAL  
, III AND IV, KALYANI TOWERS, 4/162, MADURAI - MELUR ROAD,  
UTHANGUDI, MADURAI 625 107  
+1. C.C. to M/S.D.SELVANAYAGAM Advocate SR.No.81509  
+One cc to Mr.R.PANDIVEL, Advocate, SR.No.81176  
RL/5C/2P/SKS/RR/SARI/23.12.2016

ORDER Date :16/12/2016

ORDER

WMP(MD) No.16720 of 2016

IN

WP(MD) No.18719 of 2016

CLOSING THE WRIT MISCELLANEOUS  
PETITION WITH DIRECTIONS AND GIVING  
DIRECTIONS ETC., AS STATED WITHIN