

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.06.2017
CORAM:
THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
and
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
Writ Petition No.7511 of 2017
and
W.M.P.No.8196 of 2017

K.R.Ramachandran

... Petitioner

Vs

1. The Chief Officer,
UCO Bank,
Regional Office,
Vijay Towers, (First Floor)
No.22, Father Randy Street,
R.S.Puram,
Coimbatore.

2. Chief Manager,
UCO Bank,
Murugan Towers,
No.1524/1287, Tirichy Road,
Coimbatore 641 018

... Respondents

Prayer : Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus to consider the petitioners request for extension of time for repayment of the loan pertaining to the petitioners loan account No.00300610000113 in light of the petitioners' representation dated 06.03.2017 within a reasonable time frame as fixed by this Hon'ble court.

For Petitioner

: Mr.K.S.Karthik Raja

For Second respondent

: Mr.V.Suthakar

ORDER

(Order of the Court was made by Huluvadi G.Ramesh.J.,)

Seeking a direction to the respondents to consider the petitioners request for extension of time for repayment of the loan pertaining to the petitioners loan account No.00300610000113 in the light of the petitioners'

representation dated 06.03.2017, within a reasonable time frame as fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned counsel for the second respondent.

3. The petitioner is an agriculturist. The petitioner approached the respondent Bank for educational loan for the studies of his daughter Ms.K.R.Sudha. On 03.01.2008, the respondents sanctioned a loan amount of Rs.7 lakhs. The petitioner offered his agricultural properties and his residence as security and he is also the co-borrower of the loan. The petitioner's daughter also completed the Medicine Course in "The Volgograd State Medical University, Russia".

4. According to the petitioner, though his daughter completed her Medicine Course, since, she was not feeling well at the crucial time, she failed in the Screening Test for Indian Nationals with Foreign Medical qualification. While so, the respondents issued an irregularity/loan overdue notice on 06.03.2015. Subsequently, the respondents have also issued a notice intimating that the loan account has been declared as non-performing asset.

5. Since, the petitioner's daughter has fallen sick, she could not succeed in her screening test and in view of nature's fury, agriculture crippled, the petitioner is unable to settle the dues pertaining to the educational loan. Hence, he made a representation on 23.05.2016 to the respondents to consider his pathetic case. However, the respondents refused to consider the petitioner's representation and also issued a notice under Section 13(2) of the SARFAESI Act on 10.06.2016 directing the petitioner to pay a sum of Rs.11,22,275/-. Then again on 12.09.2016 a similar notice was issued directing the petitioner to pay a sum of Rs.10,67,422/- which was followed by a possession notice on 24.01.2017. In such circumstances, the petitioner is before this Court with this writ petition.

6. It is submitted by the learned counsel for the petitioner that the petitioner is regularly paying interest in respect of the said loan and he further undertakes that within a period of six months, the petitioner will clear off the entire dues pertaining to the educational loan. The said statement is recorded.

7. In view of the facts and circumstances of the case, the writ petition is disposed of with a direction to the respondents not to take any coercive steps against the petitioner and his daughter for a period of six months. The petitioner is directed to pay the interest regularly and he is also further directed to settle the entire dues towards the

educational loan, within a period of six months as assured by him before this Court. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CSII)

True Copy

Sub-Assistant Registrar

jbm

To

1. The Chief Officer,
UCO Bank,
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R.S.Puram,
Coimbatore.

2. Chief Manager,
UCO Bank,
Murugan Towers,
No.1524/1287, Tirichy Road,
Coimbatore 600 018.

+1 cc to M/s.K.S.Karthik Raja Advocate sr 40153
+1 cc to M/s.V.Suthakar Advocate sr 40704

W.P.No.7511 of 2017

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