

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.8.2017

CORAM:
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMARW.P.No.18250 of 2017
and
W.M.P.No.19832 of 2017

S.S. Thavamani
W/o.S.S.Shanmugam No.9C A.R.S.Nagar
Gobichettipalayam 638 452 Erode Dist. ... Petitioner

Vs.

- 1 The Secretary
The Gobichettipalayam Co operative Urban
Bank Ltd. No 979 NO.34 35 Sathy Main Road
Gobichettipalayam 638 476 Erode Dist
- 2 The Deputy Registrar
Co operative Societies O/o District
Registrar Gobichettipalayam Erode Dist. ... Respondents

सत्यमेव जयते

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records pertaining to E.P.No.108 of 2008 dated 05.06.2017 issued by the 2nd respondent herein and to quash the same.

For Petitioner : Mr.S.Kaithamalaikumaran
For Respondent No.1 : Mr.L.P.Shanmugasundaram, Spl.G.P.
For Respondent No.2 : Ms.T.Girija, G.A.

ORDER

The petitioner has filed the writ petition challenging the impugned order, dated 5.6.2017 passed in E.P.No.108 of 2008.

2. On 19.7.2017, when the writ petition was taken up for hearing, the learned counsel for the petitioner has agreed to pay the principal and interest amount as on 20.8.2017 which works out to Rs.80,000/- principal balance amount, plus interest at the rate of 14% from 14.12.2005 to 20.8.2017, Rs.3,84,424/- totalling a sum of Rs.4,64,424/- to the respondent Bank. In view of the conditional order passed by this court, petitioner has paid a sum of Rs.1,00,000/- to the respondent Bank. The petitioner has agreed to settle the balance amount of Rs.3,84,424/- by way of instalments, by payment of Rs.40,000/- on or before 5th day of every succeeding calendar month to the Bank and the remaining amount namely, penal interest and other charges are concerned, petitioner seeks liberty to make representation to the bank within four weeks from the date of receipt of copy of this order.

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3. In view of the submission made by the counsel for the petitioner and the submission made by the Special Govt. Pleader, this court is inclined to pass the following order:

- (i) The balance amount of Rs.3,84,424/- (Rupees three lakhs eighty four thousand four hundred and twenty four only) as stated above, the petitioner is directed to pay Rs.40,000/- on or before 5th day of every succeeding calender month to the Bank.
- (ii) In respect of other charges and penal interest are concerned, liberty is granted to the petitioner to make representation to the Bank within four weeks from the date of receipt of copy of the order.
- (iii) If any default in payment of the amount stated supra, liberty is granted to the respondent bank to proceed in accordance with law.
- (iv) In the event of any application is made within a time fixed by this court, the respondent Bank shall consider the said representation and pass orders in accordance with law.
- (v) The petitioner has to pay interest till realisation of the said amount.

4. The writ petition is disposed of with the above directions. No costs.

Connected miscellaneous petition is closed.

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Speaking/Non Speaking order

Index: Yes/No

Internet:Yes/No

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vaan

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