IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.39350 OF 2016
AND
W.M.P.NO.33670 OF 2016

N.Revathi ...Petitioner

Versus

1.The Manager,
Repco Home Finance Limited
(Subsidiary of Repco Bank,
Govt. of India Enterprises)
Branch No.55, 4th Main Road,
Adayar, Gandhi Nagar, Chennai – 600 020.

2.The Manager,
Repco Home Finance Limited,
Corporate Office, 3rd Floor,
Alexander Square,
No.2, Sardar Patel Road,
Guindy, Chennai – 600 032. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider and dispose the petitioner's representation dated 17.10.2016 to grant 6 months time for payment of monthly installments of loan account No.1161871002507 with the respondents bank.

For Petitioner : Mr.P.Rakshana Velayudhan

For Respondent – 1 : Mr.A.Ilangovan

O R D E R

The relief sought in the present writ petition is to direct the respondents to consider and dispose of the petitioner's representation dated 17.10.2016, seeking extension of time for payment of monthly installments in respect of Loan Account No.1161871002507 with the first respondent bank.

2. The facts of the case are as follows:

The petitioner and her husband mortgaged their property with the first respondent Bank as collateral security and obtained loan for a sum of Rs.2,00,00,000/- vide Loan Account No.1161871002507 on 30.07.2013. The said loan was sanctioned by the respondent Bank, on condition that they should repay the same in 144 equal monthly installments of Rs.2,79,271/-. Pursuant to the same, the petitioner paid the monthly installments regularly till 30.06.2016 and thereafter, due to some financial crisis, she failed to pay the same. So, she approached the first respondent Bank and requested to grant time for paying the monthly installments. Acceding to the said request, the first respondent bank also granted time till October 2016. However, the petitioner was not able to pay the monthly installments within the extended time. Therefore, on 17.10.2016, she approached the first respondent bank and sought further time for payment of loan amount. Without considering her request, the respondent officials are attempting to take legal action against the mortgaged property. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that though the respondent bank granted time for payment of monthly installments by way of one time settlement, the petitioner failed to utilise the said opportunity, due to financial constraints faced by her. Hence, the learned counsel prayed for appropriate direction to the respondent bank to consider the petitioner's representation and grant one more opportunity to her for settling the outstanding instalments.

4. Heard the learned counsel appearing for the first respondent and perused the materials placed before this court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for both sides, this court without expressing any opinion on the merits of the case, directs the respondent bank to pass orders, on the petitioner's representation dated 17.10.2016 seeking extension of time for payment of monthly instalment of loan

account, on merits and as per law, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

mrr

To

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+1cc to Mr.A.Ilangovan, Advocate SR.No.45146

W.P.No.39350 of 2016

GPL(CO)
RVM(12/10/2021)