



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

WEB COPY

**W.P(MD)No. 6366 of 2022
and W.M.P. (MD) No.4965 of 2022**

1.V.Shiva

2.S.Madhumalar

Represented through their Power Agent
R.Varatharajan,
S/o. Mr.V.Raju,
No.70, Navalar Nagar 3rd Street,
S.S.Colony,
Madurai - 625 016.

.. Petitioners

Vs

1.The Presiding Officer,
Debts Recovery Tribunal,
Madurai,
The Presiding Officer (In-charge),
Debts Recovery Tribunal,
Head Quarters Road,
Gopalapuram,
Coimbatore,
Tamilnadu - 641 018.

2.The Authorized Officer,
The State Bank of India (SARB),
No.8, Dr.Ambedkhar Road,
Vinayaga Nagar Branch First Floor,
Madurai - 625 020.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to extend the time for the payment of second installment for the sum of Rs.26 lakhs to further period of 6 weeks from 08.04.2022.

For Petitioners : Ms.S.Padma

For Respondents : Mr.P.Pethurajesh
for R2



ORDER

[Made by R.VIJAYAKUMAR, J.]

The present writ petition has been filed seeking extension of time that was granted by the Debts Recovery Tribunal for payment of the second installment while passing an order of interim stay.

2. As per the said interim order passed by the Debts Recovery Tribunal on 11.02.2022, the borrower was directed to deposit a sum of Rs.52.00 lakh in two instalments. The borrower was directed to deposit Rs.26.00 lakh on or before 11.03.2022, which the borrower has complied with in time. The second instalment was directed to be made on or before 08.04.2022. Expressing some difficulty in payment of the second instalment in time, the present writ petition has been filed seeking extension of time for payment of the second instalment.

3. We are satisfied with the reasons mentioned in the affidavit seeking extension of time. Though the petitioners have sought for six weeks time to deposit the second instalment, we are not inclined to grant six weeks time as prayed for by the petitioners. However, the time for deposit for the second instalment is granted till 08.05.2022.

4. At this point of time, learned counsel appearing for the bank brought to the notice of this Court, the order of the Division Bench of this Court dated 28.02.2022 in W.P(MD) Nos.585 and 1030 of 2022, wherein it has found that the petitioners lack bonafide and they have to approach only the Debts Recovery Tribunal. Even considering this order, we are of the considered opinion that, time may be extended to the petitioners as stated above for depositing the second instalment.

5. The petitioners are directed to deposit the second instalment on or before 08.05.2022. In case of any default, the bank shall be entitled to proceed further under the SARFAESI Act.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition would not survive.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Presiding Officer,
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Madurai,
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+1 CC to M/s.P. PETHU RAJESH, Advocate (SR-17325[F]
dated 07/04/2022)

+1 CC to M/s.DR.S.PADMA, Advocate (SR-17093[F] dated 07/04/2022)
W.P(MD)No.6366 of 2022
07.04.2022

CK(CO)
GC(28.04.2022) 3P 5C