



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No. 8293 of 2022

and

W.M.P. (MD) No.6162 of 2022

Mr.A.S.Jegadiis

.. Petitioner

Vs

The Authorised Officer,
The Karur Vysya Bank Ltd.,
Asset Recovery Branch,
R.s.No.170/9, Uthankudi Village,
Near Mattuthavani Bus Stand,
Madurai - 625107,
Madurai District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to modify and extend the period of payment of installments as specified in the order dated 04.03.2022 in I.A.No.491 of 2022 in S.A.No.136 of 2022 passed by the Debts Recovery Tribunal, Madurai.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondent : Mr.Pala Ramasamy

ORDER

[Made by PARESH UPADHYAY, J.]

1. The petitioner has prayed for the following relief:

"Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to modify and extend the period of payment of installments as specified in the order dated 04.03.2022 in I.A.No.491 of 2022 in S.A.No.136



of 2022 passed by the Debts Recovery Tribunal, Madurai."

2. It is a matter of record that the Debts Recovery Tribunal had, vide order dated 04 March 2022 recorded on S.A.No.136 of 2022, granted the following relief to the writ petitioner:

"The Tribunal on considering the rival submissions of the parties and without going into merits of the case at present, and the condition of NOVEL Corona (Covid-19) prevailed in the Country and lockdown imposed nationwide, this Tribunal is the view that the Applicants needs to be given a chance to prove their bona-fides. Hence, this Tribunal, hereby ordered the Applicants to deposit a sum of Rs.95.00 Lakhs to the Respondent Bank, out of which a sum of Rs.47.50 Lakhs shall be paid, on or before 01.04.2022 and another sum of Rs.47.50 Lakhs shall be paid, on or before 01.04.2022 to the Respondent Bank. The Respondent Bank on receiving the sum, as ordered by this Tribunal, shall not confirm the auction sale, if any held on the scheduled date of auction. If the Applicant is failed to deposit any part of the sum as ordered by this Tribunal, the Respondent Bank shall be at its liberty to confirm the sale, if any, held on the scheduled date of auction, without any further reference to this Tribunal."

3. It is also not in dispute that, out of the first instalment of Rs.47.50 Lakhs, only Rs.15,00,000/- (Rupees Fifteen Lakhs only) are paid by the petitioner qua the first instalment. The second instalment is not paid at all.

4. In above factual background, we are not inclined to exercise discretion in favour of the petitioner.

5. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition would not survive.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To
The Debts Recovery Tribunal,
Madurai.

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ORDER MADE IN
W.P (MD) No.8293 of 2022
27.04.2022

PKP/16.05.2022/3P/2C