



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.9725 of 2022

and

W.M.P. (MD) Nos. 6974 and 6977 of 2022

P.Pushpavalli

.. Petitioner

Vs.

The Authorised Officer cum
The Branch Manager,
CANARA Bank,
Narayanathevanpatti Branch,
Suruli Main Road,
Narayanathevanpatti,
Theni District 625 521.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings initiated by the respondent under the SARFAESI Act, 2002 and to set aside the order passed by the learned Chief Judicial Magistrate, Theni in Cr.M.P.No.7553 of 2021 dated 19.04.2022 and further its connected proceedings under SARFAESI Act by the respondent.

For Petitioner

: Mr.M.Krishna Sreethar

For Respondent

: Mr.Pandivel

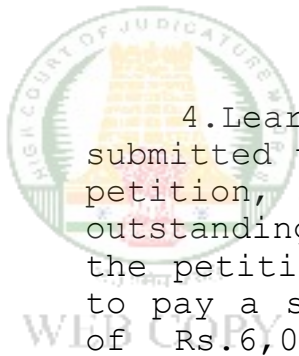
O R D E R

[Order of the Court was made by **D.KRISHNAKUMAR, J.**]

Mr.Pandivel, learned counsel takes notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The writ petition has been filed challenging the order passed by the learned Chief Judicial Magistrate, Theni in Cr.M.P.No.7553 of 2021 dated 19.04.2022.

3.Though the writ petition challenging the order passed under Section 14 of SARFAESI Act is not maintainable, considering the fact that the post of Presiding Officer, Debts Recovery Tribunal, Madurai, is vacant and the petitioner undertakes to settle the entire outstanding amount if reasonable time is granted by the respondent Bank, this Court is entertaining this writ petition.



4.Learned Standing Counsel for the respondent, on instructions, submitted that though they strongly object for entertaining the writ petition, since the petitioner has undertaken to deposit the entire outstanding amount, the respondent bank will consider the request of the petitioner. However, to show her *bona fide*, the petitioner has to pay a sum of Rs.6,00,000/- on or before 29.05.2022, another sum of Rs.6,00,000/- on or before 30.06.2022 and the remaining outstanding amount on or before 30.07.2022. He would further submit that if the total outstanding amount is paid in three installments within the aforesaid period, the respondent Bank will defer the said proceedings initiated against the petitioner.

5.In the light of the above submissions of the parties concerned and considering the interest of both the parties, we are inclined to pass the following order:-

(i)The petitioner is directed to pay a sum of Rs.6,00,000/- (Rupees Six Lakhs only) on or before 29.05.2022 as first installment.

(ii)Thereafter, the petitioner shall pay another sum of Rs.6,00,000/- (Rupees Six Lakhs only) on or before 30.06.2022 as second installment.

(iii)Thereafter, the petitioner shall pay the balance amount on or before 30.07.2022.

(iv)Till such time, the respondent bank is directed to defer the sale proceedings initiated as against the petitioner.

(v)If there is any default in payment of any one of the installments, it is open to the respondent bank to proceed further in accordance with law.

6.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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18/05/2022

Sub Assistant Registrar(CS)

mm/sj



TO

The Authorised Officer cum
The Branch Manager,
CANARA Bank,
Narayanathevanpatti Branch,
Suruli Main Road,
Narayanathevanpatti,
Theni District 625 521.

+1 CC to M/s.M. KRISHNASREETHAR, Advocate (SR-23670[F]
dated 12/05/2022)

W.P. (MD) No.9725 of 2022
11.05.2022

SP (CO)
GC (18.05.2022) 3P 3C