



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

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CORAM :

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.10070 of 2022
and
W.M.P. (MD)No.7170 & 7172 of 2022**

C.Annadurai Ravindran

...Petitioner

Vs.

1. The Authorized Officer
Repco Home Finance Limited,
No.96, 2nd Floor,
Alagar Kovil Main Road,
Opp. To American College,
Thallakulam,
Madurai - 625 002.

2. The Branch Manager,
Repco Home Finance Limited,
No.26, ARR Complex,
Devipattinam Road,
Kenikarai,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Cr.M.P.No.280 of 2021 dated 22.11.2021 passed by the learned Chief Judicial Magistrate, Ramanathapuram and Quash the same as illegal.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mrs.B.Rajesh Saravanan



O R D E R

(Order of the Court was made by **S.SRIMATHY, J.**)

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This Writ Petition has been filed challenging the impugned order passed in Cr.M.P.No.280 of 2021, dated 22.11.2021 passed by the learned Chief Judicial Magistrate, Ramanathapuram.

2. The petitioner is the principal borrower and he borrowed a housing loan for the construction of house from the respondent Bank for a sum of Rs.10,00,000/- and has executed the Deposit of Title Deed in favour of the respondent Bank on 13.03.2015 and the EMI of Rs.13,634/- was for repayment.

3. The contention of the petitioner is that due to Covid-19 pandemic the petitioner could not repay the EMI in time. Therefore, the respondents have issued a Demand Notice on 24.07.2020, demanding a sum of Rs.8,91,856/-. The petitioner's loan has been declared as Non- Performing Assets on 31.08.2020. Thereafter, the petitioner had paid a sum of Rs.50,000/- to the Bank. In the meanwhile, the respondents have issued Possession Notice on 03.11.2020. Hence the petitioner has approached the respondent Bank and has paid a sum of Rs.1,26,000/- on 31.03.2021. As per the respondent Bank, the petitioner has to repay a sum of Rs.8,32,000/-. Again the respondent Bank demanded a sum of Rs.9,96,864.88/-. The contention of the petitioner is that he has paid a sum of Rs.8,32,000/-, but the respondent Bank again demanded Rs.9,96,864.88/-. The petitioner was preparing to settle the entire amount in one time settlement. The respondent Bank has filed a petition in Cr.M.P.No.280 of 2021 under Section 14 and the same was ordered on 22.11.2021.

4. In the meanwhile, the petitioner has filed a Memo before the Chief Judicial Magistrate for amicable settlement. But, the learned Chief Judicial Magistrate has returned the said Memo and directed the petitioner to approach the appropriate forum for settlement. In these circumstances, the petitioner has filed this writ petition challenging the impugned Section 14 notice.

5. The total outstanding amount according to the petitioner and the respondents are Rs.10,77,674.42/-. The petitioner has submitted before this Court that he is ready to pay Rs.2,00,000/- on or before 30.05.2022 and also agreed to negotiate before the respondent to re-schedule the loan account. The respondents have no serious objection for this proposal.



6. After hearing the rival claimants, this Court is passing the following order:

i)The petitioner is directed to pay a sum of Rs.2,00,000/- on or before 30.05.2022. On payment of such amount, the impugned Section 14 notice shall be stayed

ii)As far as the balance of Rs.8,77,674.42/- is concerned, the respondent Bank shall re-schedule the EMI. Thereafter, the petitioner shall pay the EMIs without fail.

iii)If the petitioner has defaulted in paying the EMI or has not complied with the conditional order, then the respondents are at liberty to further proceed with the impugned Section 14 notice.

7. With this direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

To

1. The Chief Judicial Magistrate,
Ramanathapuram.

2. The Authorized Officer
Repco Home Finance Limited,
No.96, s2nd Floor,
Alagar Kovil Main Road,
Opp. To American College,
Thallakulam,
Madurai - 625 002.



3. The Branch Manager,
Repco Home Finance Limited,
No.26, ARR Complex,
Devipattinam Road,
Kenikarai,
Ramanathapuram District.

+1 CC to M/s.D. BALAMURUGAPANDI, Advocate (SR-23889[F] dated
20/05/2022)

ORDER MADE IN
W.P (MD) No.10070 of 2022

19.05.2022

nsn(CO)
TR(30.05.2022) 4P 5C