



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD) No.10106 of 2022

and

W.M.P(MD) Nos.7186 & 7188 of 2022

P.Esakki

.. Petitioner

Vs.

1.The Authorised Officer,
City Union Bank Limited,
Credit Recovery and Management Department,
No.24-B, Gandhi Nagar, Kumbakonam,
Thanjavur District.

2.The Branch Manager,
City Union Bank Limited,
Kovilpatti,
Tuticorin District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the possession notice, dated 22.04.2022 issued by the first respondent and set aside the same.

For Petitioner : Mr.G.Vishnuram
For Respondents : Mr.N.Dilip Kumar

ORDER

[Order of the Court was made by **ABDUL QUDDHOSE, J.**]

This Writ Petition has been filed challenging the possession notice, dated 22.04.2022 issued by the first respondent under Section 13(4) of the SARFAESI Act.

2.The petitioner claims that due to Covid-19 Pandemic situation, he has been unable to repay the loan as per the schedule. The petitioner has also challenged the exorbitant interest levied by the respondent Bank. The petitioner has also challenged the impugned possession notice on the ground that the procedure contemplated under the SARFAESI Act has not been followed.

3.The petitioner availed loan from the respondent Bank in the year 2013-2015. The petitioner's account became Non-Performing Asset only on 19.10.2021. The petitioner has also stated in the affidavit filed in support of the Writ Petition that he is willing to pay the



outstanding dues to the respondent Bank provided sufficient time is granted to him to pay the said dues.

4.Learned counsel for the petitioner would submit before this Court that the petitioner is willing to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) in two instalments ie., the first instalment of Rs.2,00,000/- (Rupees Two Lakhs Only) within a period of 15 days from today and the second instalment of Rs.2,00,000/- (Rupees Two Lakhs Only) within a period of 30 days thereafter.

5.Learned counsel for the petitioner, on instructions would also submit that the petitioner is willing to regularize the loan account thereafter and pay the instalments as per the schedule fixed by the Bank without committing any default in future.

6.Learned counsel appearing for the respondent Bank has also not raised any serious objection for the submission made by learned counsel for the petitioner.

7.After recording the submissions made by the respective counsels, this Writ Petition is disposed of by directing the petitioner to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) in two instalments as detailed below:-

a) A sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to be paid on or before 01.06.2022.

b) A sum of Rs.2,00,000/- (Rupees Two Lakhs Only) thereafter to be paid on or before 30.06.2022.

c) The petitioner shall regularize the loan account in accordance with the schedule fixed by the second respondent Bank and pay the monthly instalments thereafter to the second respondent Bank without committing any default.

d) In case of any default committed by the petitioner as stipulated supra, the second respondent Bank is at liberty to bring the property for sale by initiating SARFAESI proceedings against the petitioner.

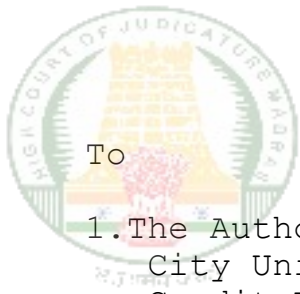
8.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer/
Assistant Registrar (CS-III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)



To

1.The Authorised Officer,
City Union Bank Limited,
Credit Recovery and Management Department,
No.24-B, Gandhi Nagar, Kumbakonam,
Thanjavur District.

2.The Branch Manager,
City Union Bank Limited,
Kovilpatti,
Tuticorin District.

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-23968[F]
dated 20/05/2022)

W.P (MD) No.10106 of 2022
18.05.2022

PK(CO)
GC(01.06.2022) 3P 4C