



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2022

CORAM

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

W.P.[MD]No.10185 of 2022

and

W.M.P.[MD]No.7223 of 2022

M.Manivel

... Petitioner/Writ Petitioner

Vs.

1. Karur Vysya Bank
Represented through its Chief Manager/
Authorised Officer,
Asset Recovery Branch,
Madurai.
2. M/s.Balaji Educational and Charitable Trust,
A Trust Represented by its Trustee,
Mr.M.Naveenkumar,
Door No.49/3, Kalathu Road,
Allur, Trichy-620101.
3. M.Naveenkumar
4. P.Muthuveeran
5. M.Sreedevi
6. The Debts Recovery Tribunal
IV Floor, Kalyani Tower,
Melur Road,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st Respondent to accept the payment of Rs.21.50 towards payment of the 1st installment of the conditional order passed by the 6th Respondent in S.A.No.223 of 2022 dated 25.03.2022 and to grant further 8 weeks extension of time for payment of the 2nd installment amount.



For Petitioner : Mr.Ajmal Khan,
Senior Counsel,
for Mr.G.Kannan

For 1st Respondent : Mr.Pala Ramasamy

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O R D E R

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

This writ petition has been filed for a Mandamus to direct the first respondent Bank to accept the payment of Rs.21.5 Lakhs towards payment of first installment as per the conditional order passed by the sixth respondent in I.A.No.748 of 2022 in S.A.No.223 of 2022 dated 25.03.2022 and grant further eight [8] weeks extension of time for making the second installment payment.

2.By order dated 25.03.2022, the Debts Recovery Tribunal, Madurai in I.A.No.748 of 2022 in S.A.No.223 of 2022, directed the petitioner to deposit a sum of Rs.50 Lakhs with the first respondent bank, out of which a sum of Rs.25 Lakhs was directed to be paid on or before 22.04.2022 and another sum of Rs.25 Lakhs was directed to be paid on or before 20.05.2022. The petitioner has deposited only Rs.3.5 Lakhs with the first respondent bank on or before 22.04.2022 and failed to pay the balance amount payable towards the first installment of Rs.25 Lakhs. Since there is no Presiding Officer for the Debts Recovery Tribunal at Madurai, the petitioner has filed this writ petition for Mandamus seeking for a direction to extend the time for making the payment as per the conditional order dated 25.03.2022 passed by the Debts Recovery Tribunal, Madurai, in I.A.No.748 of 2022 in S.A.No.223 of 2022.

3.Mr.Ajmal Khan, learned Senior Counsel appearing for the petitioner would submit that he will hand over a demand draft for the balance amount of Rs.21.5 Lakhs, which is the balance amount payable under the first installment of Rs.25 Lakhs directed to be paid by the Debts Recovery Tribunal, Madurai, by its order dated 25.03.2022. The same has also been handed over to the learned Counsel for the respondent bank which has also been acknowledged by him.

4.However, insofar as the second installment of Rs.25 Lakhs payable by the petitioner as per the order dated 25.03.2022 passed in I.A.No.748 of 2022 in S.A.No.223 of 2022 by the Debts Recovery Tribunal, Madurai is concerned, the learned Senior Counsel for the petitioner on instructions seeks eight [8] weeks time for making the said payment.



5.However, this Court is of the considered view that eight [8] weeks time is too long a period and six [6] weeks time will have to be granted for making the payment towards second installment of Rs.25 Lakhs as directed by the Debts Recovery Tribunal, Madurai in its order dated 25.03.2022, referred to supra. Learned Counsel who has accepted notice on behalf of the first respondent Bank has also not raised any serious objection for granting further extension of time to the petitioner, as stated supra.

6.For the foregoing reasons, this writ petition is disposed of by passing the following directions:

*'a) The petitioner shall pay the second installment of Rs.25 Lakhs as directed by the Debts Recovery Tribunal, Madurai, in its order dated 25.03.2022 in I.A.No.748 of 2022 in S.A.No.223 of 2022 on or before **30.06.2022**. The payment of a sum of Rs.21.5 Lakhs by way of demand draft favouring the first respondent Bank which has been handed over to the learned Counsel for the first respondent Bank is also recorded by this Court.*

b) Insofar as the other rights pleaded in this writ petition, the petitioner will have to agitate the same in the main appeal pending before the Debts Recovery Tribunal, in S.A.No.223 of 2022.

c) Till final orders are passed in S.A.No.223 of 2022, the first respondent Bank shall not take any coercive action against the petitioner.'

7.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Vacation Officer

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/ /2022

Sub Assistant Registrar(CS)

MR

To :

1. The Chief Manager/Authorised Officer,
Karur Vysya Bank,
Asset Recovery Branch, Madurai.



2. The Debts Recovery Tribunal
IV Floor, Kalyani Tower,
Melur Road,
Madurai.

+1 CC to M/s.G.KANNAN, Advocate (SR-23779[F] dated 19/05/2022)

ORDER MADE IN
W.P.[MD]No.10185 of 2022
18.05.2022

USK/26.05.2022/4P/4C