



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

AND

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.10295 of 2022

and

W.M.P. (MD)No.7332 of 2022

Lordu Packia Darius

...Petitioner

Vs.

1.The Authorized Officer,
Muthoot Housing Finance Company Limited,
Thoothukudi -628 008.

2.The Branch Manager,
Muthoot Housing Finance Company Limited,
Thoothukudi Branch, Thoothukudi - 628 008.

...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 of the impugned possession notice, dated 09.05.2022 issued by the first respondent and quash the same as illegal.

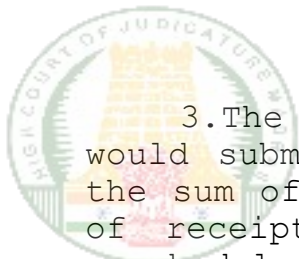
For Petitioner :Mr.R.J.Karthick
For Respondents :Mr.P.Pethurajesh

O R D E R

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

This Writ Petition has been filed challenging the impugned possession notice, dated 09.05.2022 issued under the SARFAESI Act by the first respondent.

2.The petitioner has raised various grounds for challenging the impugned possession notice. Though various grounds have been raised, the learned Counsel for the petitioner, on instructions, would now submit that the petitioner is willing to pay a sum of Rs.3,00,000/- within a period of one week from the date of receipt of a copy of this order. He would also submit that insofar as the balance amount outstanding is concerned, the respondents shall reschedule the loan agreement to enable the petitioner to make the payment accordingly.



3.The learned Counsel for the respondents, on instructions, would submit that the respondents have no objection for receiving the sum of Rs.3,00,000/- within a period of one week from the date of receipt of a copy of this order and is also prepared to reschedule the loan agreement. He would further submit that in accordance with the rescheduled loan agreement, the petitioner will have to pay the installments without committing any default. The learned Counsel for the petitioner agrees to the same.

4.After recording the submissions made by the respective learned Counsels, this Writ Petition is disposed of by passing the following order:

(a)The petitioner shall pay a sum of Rs.3,00,000/- to the respondents within a period of one week from the date of receipt of a copy of this order.

(b)The respondents shall reschedule the loan agreement on receipt of the sum of Rs.3,00,000/-, as stipulated supra, on execution of the necessary loan documents by the petitioner.

(c)The impugned possession notice, dated 09.05.2022 shall be kept in abeyance on payment of the sum of Rs.3,00,000/- by the petitioner within a period of one week from the date of receipt of a copy of this order.

(d)In case of any default in the payment by the petitioner, as stipulated supra, the respondents are at liberty to proceed further pursuant to the impugned possession notice.

No costs.

Sd/-

Vacation Officer/
Assistant Registrar(CS III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

cmr

To

1.The Authorized Officer,
Muthoot Housing Finance Company Limited,
Thoothukudi -628 008.

2.The Branch Manager,
Muthoot Housing Finance Company Limited,
Thoothukudi Branch, Thoothukudi - 628 008.

+1 CC to M/s.P.PETHU RAJESH, Advocate(SR-23781[F] dated 19/05/2022)

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-23895[F] dated 20/05/2022)

W.P(MD)No.10295 of 2022

19.05.2022