



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Twenty Seventh day of June Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

AND

The Hon`ble Mrs.Justice S.SRIMATHY

WMP(MD) . No.8626 of 2022

in

WP(MD) No.9725 of 2022

Pushpavalli P

... Petitioner/Petitioner

Vs

The Authorised Officer Cum The Branch Manager
Canara Bank, Narayanathevanpatti Branch
Suruli Main Road, Narayanathevanpatti
Theni District 625 521. ... Respondent/Respondent

Prayer in WMP(MD) No.8626 of 2022 :-This Writ Miscellaneous Petition filed under Article 226 of the Constitution of India praying this Court, to extend the time to deposit the amount to the respondent bank and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Prayer in WP(MD) . 9725/ 2022 : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorified 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 and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case.

ORDER:- This Writ Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.Krishna Sreethar, Advocate for the Petitioner and of Mr.R.Pandivel Standing Counsel for the respondent, this Court made the following order:(The order of the Court was made by **S.S.SUNDAR, J.**)

This petition is filed to extend the time to deposit the amount to the respondent bank.

2.This Court, by order, dated 11.05.2022, directed the respondent bank to defer sale proceedings on condition that the



petitioner shall pay a sum of Rs.6,00,000/- on or before 29.05.2022, as first instalment, a further sum of Rs.6,00,000/-, on or before 30.06.2022, as second instalment and to pay the balance amount on or before 30.07.2022.

3.The learned Counsel for the petitioner states that even though the petitioner was hopeful in depositing the entire liability amount within a period of three months, due to some events, she could not pay even the first instalment amount of Rs.6,00,000/-, in full. It is stated that the petitioner could make only a sum of Rs.3,00,000/- on 23.05.2022.

4.Even though the petitioner has not stated any specific reason for the delay in complying with the condition, the learned Counsel for the petitioner states that due to unavoidable circumstances, the petitioner could not adhere to the time schedule as directed by this Court. The learned Counsel for the petitioner now states that the petitioner is ready to deposit the entire amount, if some more time is given to the petitioner.

5.The petitioner has only paid a sum of Rs.3,00,000/-, which is 50% of the first instalment amount, the petitioner was directed to pay. The petitioner's application for extension of time cannot be considered, as a matter of routine, as the bank has waited for a long time.

6.The learned Counsel for the respondent bank has no serious objection for extending the time granted by this Court earlier.

6.1.Considering the submission made by the learned Counsel for the petitioner, the time granted earlier by this Court by order, dated 11.05.2022 is modified as follows:

6.2.The respondent bank is directed to defer the sale proceedings, if the petitioner pay a sum of Rs.3,00,000/- on or before 30.06.2022 and a further sum of Rs.6,00,000/- on or before 30.07.2022. Remaining amount shall be paid by the petitioner on or before 30.09.2022.

6.3.In case, the petitioner is failed to make payment as per the extension of time given by this Court, it is open to the respondent bank to proceed further in accordance with law against the petitioner.

Sd/-

Assistant Registrar (RTI)

// True Copy //

29/06/2022

Sub Assistant Registrar(CS)

TO

The Authorised Officer Cum The Branch Manager
Canara Bank, Narayanathevanpatti Branch
Suruli Main Road, Narayanathevanpatti

<https://hccrecords.courts.mil.nic.in/> 625 521.



Copy to:

1.The Chief Judicial Magistrate,
Theni.

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2.The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 27/06/2022

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Extension of Time

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WMP(MD) . No.8626 of 2022

in

WP(MD) No.9725 of 2022

Giving direction and etc.
as stated within.

MGJ(29.06.2022) 3P 4C