



W.P.(MD)No.15538 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.15538 of 2022
and
W.M.P(MD)Nos.11197 and 11198 of 2022

Leema Gladis

... Petitioner

Vs.

1.The Branch Manager,
Tamil Nadu Mercantile Bank Ltd.,
Arumanai Branch, Kanyakumari District-629 15.

2.The Authorised Officer,
Tamil Nadu Mercantile Bank Ltd.,
Kanyakumari District-629 15.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records on the file of the second respondent pertaining to the impugned sale notice, dated 09.06.2022 and to quash the same.

For Petitioner :Mr.S.C.Herold Singh

For Respondents :Mr.N.Dilip Kumar



W.P.(MD)No.15538 of 2022

Having regard to the facts and the attending circumstances of the case, this Court is of the view that the petitioner can be shown some indulgence to reduce the outstanding by granting sufficient time by directing the respondents to defer the sale till such time the petitioner's request is considered on merits.

5. Accordingly, this Writ Petition is partly allowed by directing the respondent bank to defer sale proceedings for a period of four months on condition that the petitioner pays a sum of Rs.1,00,000/- on or before 18.08.2022, a further sum of Rs.1,00,000/- on or before 19.09.2022, a further sum of Rs.1,00,000/- on or before 18.10.2022 and a further sum of Rs.1,00,000/- on or before 18.11.2022. In case of default committed by the petitioner in payment of any of the instalments, it is open to the respondent bank to proceed further with the sale of the secured asset. Upon paying the amount as per the direction of this Court, it is open to the petitioner to approach the bank either for restructuring the loan or for any other concession or OTS proposal within a period of two months from the date of receipt of a copy of this order. The respondent bank shall consider the request of the petitioner, as may be feasible and possible according to the norms and policy of the bank within a period of two months from the date of receipt of such representation. Till such time the respondent consider the



W.P.(MD)No.15538 of 2022

representation of the petitioner on merits, the respondent bank is directed to defer the sale proceedings. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
18.07.2022

Index : Yes / No

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W.P.(MD)No.15538 of 2022

S.S.SUNDAR, J.

and

S.SRIMATHY, J.

cmr

W.P(MD)No.15538 of 2022

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