



W.P.(MD)No.19645 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:25.08.2022

CORAM

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

W.P.(MD)No.19645 of 2022
and
W.M.P.(MD)No.14355 of 2022

Alagurani

... Petitioner

Vs

M/s.Karur Vysya Bank,
Assistant Recovery Branch, Madurai District,
Represented through its Authorised Officer,
S.Senthil Kannan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the learned Chief Judicial Magistrate, Madurai in Cr.M.P.No.495 of 2022, dated 24.05.2022 and quash the same as illegal and unconstitutional.

For Petitioner : Mr.S.Sivaprakash

For Respondent : Mr.V.Sukumar,
Standing Counsel

* * *



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W.P.(MD)No.19645 of 2022

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Challenging the order passed by the learned Chief Judicial Magistrate, Madurai in Cr.M.P.No.495 of 2022, dated 24.05.2022, in the application filed under Section 14 of the SARFAESI Act, 2002, by the respondent bank, the above writ petition is filed.

2. Heard Mr.S.Sivaprakash, learned counsel for the petitioner and Mr.V.Sukumar, learned Standing Counsel for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner states that the petitioner has committed default of few instalments and the overdue is around Rs.1,00,000/-. However, the default exceeds the limit, which was required for declaring the loan account as NPA. Learned counsel appearing for the petitioner submits that the petitioner is prepared to pay 25% of the total due as on date in four equal monthly instalments, in case the further proceedings is suspended by the respondent bank.



W.P.(MD)No.19645 of 2022

4. The learned standing counsel appearing for the respondent bank submitted that the outstanding as on date is Rs.14,49,750/-. He further submits that the petitioner after undertaking to pay a sum of Rs.5,00,000/- not to take possession, has paid only a sum of Rs.1,50,000/-.

5. The learned counsel appearing for the petitioner has given some reasons as to why the petitioner could not make payment.

6. Considering the fact that the petitioner is willing to reduce the total outstanding by 25% without touching the secured asset, this Court is inclined to dispose of the Writ Petition in the following lines:-

(i) The respondent bank is directed to suspend further proceedings, provided the petitioner pays a sum of Rs.90,000/- on or before 26.09.2022, a sum of Rs.90,000/- on or before 26.10.2022, a sum of Rs.90,000/- on or before 24.11.2022 and a further sum of Rs.90,00,000/- on or before 23.12.2022.

(ii) In case the petitioner commits any default in paying any one of the instalments, it is open to the respondent Bank to proceed further in accordance with law ignoring this order.



W.P.(MD)No.19645 of 2022

(iii) If the petitioner makes payment as indicated above, she may approach the bank and submit a representation within a period of two weeks from the payment of last instalment either for waiver of penal interest or for One Time Settlement or for restructuring the loan or for any other concession, as may be permissible under the guidelines of Reserve Bank of India or the norms applicable to the respondent bank.

(iv) The respondent bank shall consider the same and pass appropriate orders in accordance with law.

(v) Till such time, the respondent bank consider the representation of the petitioner and communicate the decision taken to the petitioner, the respondent bank shall not initiate any coercive action against the petitioner.

7. The Writ Petition is disposed of with the above directions.

No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
25.08.2022

Index : Yes / No

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WEB COPY



W.P.(MD)No.19645 of 2022



WEB COPY



W.P.(MD)No.19645 of 2022

S.S.SUNDAR, J.

and

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W.P(MD)No.19645 of 2022

25.08.2022