



W.P(MD)No.27518 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.27518 of 2022
and
W.M.P(MD)No.21612 of 2022**

1.Shanmugasundram
2.S.Sumathi
3.Hariharsudhan
4.Dineshkumar

... Petitioners

vs.

The Authorized Officer,
Can Fin Homes Limited (CFHL),
2C, August Avenue,
80 Feet Road,
Sengunthapuram Post,
Karur – 639 002.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceritorari, to call for the records pertaining to the impugned demand notice dated 31.10.2022 issued by the respondent and quash the same.

For Petitioners : Mr.I.Velpradeep

For Respondent : Mr.S.I.Muthiah
Standing Counsel



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ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Mr.I.Velpradeep, learned Standing Counsel takes notice for the respondent. By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.

2.According to the petitioners, they availed a housing loan from the respondent Bank in the year 2013 and since, they committed default in payment of outstanding loan dues, the account was classified as NPA from 29.10.2022 and the respondent Bank issued a demand notice under Section 13(2) of the SARFAESI Act, dated 31.10.2022. Challenging the same, the petitioner has filed the instant Writ Petition before this Court.

3.*Prima facie*, we are not inclined to entertain the Writ Petition, since the Writ Petition is not maintainable challenging the demand notice issued under Section 13(2) of the SARFAESI Act. However, the learned counsel appearing for the petitioners has fairly submitted that the petitioners undertakes to pay 25% of the outstanding due amount to the



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respondent Bank on or before 30.12.2022 and the remaining entire outstanding amount in five consecutive equal monthly instalments and the same shall be paid on or before 5th day of every English Calendar month until the entire payment is made and to that extent, he seeks indulgence of this Court to consider the request made by the petitioners and he has also agreed to give an undertaking letter before the respondent Bank as stated above for payment of the instalments, for which, the learned Standing Counsel appearing for the respondent is agreeable, however, with liberty to the respondent Bank to proceed against the petitioners in case of default in payment of any one of the instalments.

4.Considering the submissions made on either side, the petitioner is directed to pay 25% of the outstanding due amount on or before 30.12.2022 and the remaining outstanding amount shall be paid in five consecutive equal monthly instalments. The first instalment shall be paid on or before 5.01.2023 and the subsequent four instalments shall be paid on or before 5th day of every English Calendar month until the entire payment is made. Till such time, no coercive steps shall be taken by the respondent. If the petitioner fails to pay the amount in any one of the instalments, the respondent Bank may proceed further in accordance with law.



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5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes
ps

[D.K.K.,J.] [R.V.,J.]
05.12.2022

To

The Authorized Officer,
Can Fin Homes Limited (CFHL),
2C, August Avenue,
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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