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W.P(MD)No.588 c



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM :

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

W.P(MD)No.588 of 2023
and
WMP(MD)Nos.582 and 583 of 2023

Pushpa Jothi

... Petitioner

vs.

M/s.Axis Bank Ltd.,
Rep by its Authorized Officer,
Mr.A.Chandra Narayanan,
Loan Centre, 4th Floor,
Arcot Plaza,
Old No.38, New No.165,
Arcot Road, Kodambakkam,
Chennai-600 024.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the Chief Judicial Magistrate Dindigul in Cr.M.P.No.5676 of 2022 dated 20.10.2022 and quash the same as illegal and without jurisdiction and consequently direct the respondent bank to restructure the loan after deducting the penal interest.

For Petitioner : Mr.Arul Jenifer
For Respondent : Mr.P.Pethurajesh, Standing Counsel

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

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Challenging the order passed by the learned Chief Judicial Magistrate, Dindigul, in Cr.M.P.No.5676 of 2022 dated 20.10.2022, appointing an advocate commissioner for taking possession of the secured property, the petitioner has filed this writ petition.

2. Learned counsel for the petitioner submitted that the petitioner is facing heart ailment and she underwent a bypass surgery. Now, she is ready to deposit 25% of the outstanding amount within a period of three months and to deposit the balance outstanding amount within a reasonable time thereafter.

3. Learned standing counsel for the respondent objected to the aforesaid submission stating that if the petitioner shows *bona fide* by depositing 25% of the outstanding amount within four weeks' time and to deposit the balance outstanding amount within a reasonable time, she can be shown such indulgence by this Court.



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4. Considering the fact that the petitioner is facing heart ailment and has undergone a bypass surgery, we direct the petitioner to pay 25% of the outstanding amount on or before 15.03.2023 and to pay the balance outstanding amount in four consecutive equal monthly instalments thereafter, of which, the first instalment shall be paid on or before the 10th day of April 2023 and the subsequent instalments shall be paid on or before the 10th day of succeeding English Calender months. Till such time, the respondent shall not take any coercive action against the petitioner. If the petitioner commits default in payment of any one of the instalments, it is open to the respondent to proceed further in accordance with law.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K.,J.] & [R.V.,J.]
12.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes



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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
W.P(MD)No.588 of 2023
DATED : 12.01.2023