



WEB COPY

WMP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Friday, the Twenty Fourth day of February Two Thousand and Twenty
Three

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR

AND

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

WMP(MD). No.2712 of 2023

in

WP(MD)23652 OF 2022

Manjula.S

... Petitioner/Petitioner

Vs

1 The Regional Manager

Indian Bank Indian Bank Building P.B.No.
1384 31 Rajaji Road Chennai-600 001

2 The Chief Manager / Authorized Officer,

Indian Bank Karaikudi Main Branch,
34/3 Scan Complex 1st Floor Church
1st Street Karaikudi-630 001

3 The Branch Manager

Indian Bank,
Okkur Branch,
4/44-A Main Road, Okkur.

... Respondent/Respondent

Prayer in WP(MD)2712 of 2023 :-

This Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to extend the time limit to pay the remaining outstanding amount on the installment basis to the respondents bank.

Prayer in WP(MD). 23652/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the impugned notice of intended sale dated 27.9.2022 issued by the 2nd respondent and quash the same as illegal and consequently, direct the respondents to consider the petitioners representation dated 30.9.2022 for one time settlement of balance loan amount within a time stipulated by this Hon'ble Court.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. D.Venkatachalam, Advocate for the Petitioner and of Mr. R.Pandivel, Standing Counsel For the Respondents, this Court made the following order:



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

This petition has been filed to extend the time limit to pay the remaining outstanding amount on instalment basis to the respondent Bank.

2. Challenging the impugned sale notice, dated 27.09.2022, the petitioner has filed the writ petition in W.P(MD)No.23652 of 2022 and this Court, by order dated 14.10.2022 passed the following order:-

"15. Recording the above submissions, the Writ Petition is disposed of with a direction to the petitioner to pay Rs.3,00,000/- (Rupees Three Lakhs only) on or before 03.11.2022 and the entire remaining outstanding in six consecutive equal monthly instalments. The first instalment shall be paid on or before 03.12.2022 and the subsequent five instalments shall be paid on or before 3rd day of every English Calendar month until the entire payment is made. Till such time, no coercive steps shall be taken by the respondents. If the petitioner fails to pay the amount in any one of the instalments, the respondent bank may proceed further in accordance with law. No costs. Consequently, connected miscellaneous petition is closed."

3. Pursuant to the said order, the petitioner paid a sum of Rs.3,00,000/- on 03.11.2022 and the petitioner has not paid the subsequent instalment for the period from December to January. Hence, the petitioner has filed the present Writ Miscellaneous Petition.

4. Today, when the matter is taken up for hearing, the learned counsel appearing for the respondent Bank submitted that when the matter came up for hearing on 16.02.2023, this Court directed the petitioner to pay a sum of Rs.6,00,000/- on or before 23.02.2023, but the petitioner has not paid the said amount.

5. In view of the abovesaid submission, this Writ Miscellaneous Petition is dismissed. However, it is open to the petitioner to approach the Debts Recovery Tribunal for appropriate relief, in the manner known to law, if she is so advised.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/03/2023

Sub Assistant Registrar (CS)

PS

<https://www.mhc.tn.gov.in/judis>



WMP(MD).



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TO

1 The Regional Manager
Indian Bank Indian Bank Building P.B.No.
1384 31 Rajaji Road Chennai-600 001

2 The Chief Manager / Authorized Officer,
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34/3 Scan Complex 1st Floor Church
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3 The Branch Manager
Indian Bank,
Okkur Branch,
4/44-A Main Road, Okkur.

ORDER DATED : 24/02/2023

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ORDER

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WMP(MD) . No.2712 of 2023
in

WP(MD) No.23652 of 2022

Giving direction and etc.
as stated within.

RD (15/03/2023) 3P 4C