



W.P(MD)No.3654 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU**

W.P(MD)No.3654 of 2023

K.Pandiyammal

... Petitioner

vs.

The Authorized Officer,
M/s.IDFC First Bank Limited,
No.79/2, 1st Floor, Rajabarley Complex,
By-Pass Road,
Near to Rathina Hospital,
Madurai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to grant extension of time to repay the remaining payment, by considering the petitioner's representation, dated 14.02.2023.

For Petitioner

: Mr.V.Balasubramanian



W.P(MD)No.3654 of 2023

WEB COPY

ORDER

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

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the respondent to grant an extension of time to repay the remaining payment, by considering the petitioner's representation, dated 14.02.2023.

2. From the materials available on record, it is seen that challenging the impugned order made in Cr.M.P.No.1382 of 2022, dated 07.10.2022 passed by the first respondent therein, earlier the petitioner filed a Writ Petition in W.P(MD)No.24840 of 2022, wherein this Court by order dated 02.11.2022, has passed the following order:-

"13.Today, when the matter was taken up for admission, the learned counsel for the petitioner submitted that the petitioner is ready to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) on or before 02.12.2022 and after deducting the said payment, the entire remaining outstanding amount in five consecutive monthly instalments, for which,



W.P(MD)No.3654 of 2023

WEB COPY

the learned Standing Counsel for the 2nd respondent is agreeable, however, with liberty to the 2nd respondent to proceed against the petitioner in case of default in payment of any one of the instalments.

15.Recording the above submissions, the Writ Petition is disposed of directing the petitioner to pay a sum of Rs.5,00,000/- on or before 02.12.2022 and after deducting the said payment, the entire remaining outstanding amount in five consecutive equal monthly installments. The first installment shall be paid on or before 02.01.2023 and the subsequent four installments shall be paid on or before the 2nd day of every English Calendar month. Till such time, the 2nd respondent shall not take any coercive action against the petitioner. If the petitioner fails to make any one of the above installments, the 2nd respondent may proceed further in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.”

3.At this juncture, the learned counsel appearing for the petitioner seeks liberty to file an appropriate application seeking for extension of time in W.P(MD)No.24840 of 2022.



W.P(MD)No.3654 of 2023

WEB COPY

4. In view of the above, we are of the view that the Writ Petition is not maintainable. Accordingly, the Writ Petition is dismissed. However, with liberty to the petitioner to file an appropriate application seeking for extension of time in W.P(MD)No.24840 of 2022, if she is so advised. No costs.

[D.K.K.,J.] [P.D.A.,J.]
23.02.2023

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



WEB COPY



W.P(MD)No.3654 of 2023

To

The Authorized Officer,
M/s.IDFC First Bank Limited,
No.79/2, 1st Floor, Rajabarley Complex,
By-Pass Road,
Near to Rathina Hospital,
Madurai.



WEB COPY



W.P(MD)No.3654 of 2023

D.KRISHNAKUMAR,J.
and
P.D.AUDIKESAVALU,J.

ps

ORDER MADE IN
W.P(MD)No.3654 of 2023

DATED : 23.02.2023