



W.P.(MD) No.3828 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3828 of 2023

and

W.M.P.(MD)No.3612 of 2023

S.Syed Hussain

... Petitioner

-Vs-

1.Piramal Capital & Housing Finance Limited,
Registered Office, Unit No-601, 6th Floor,
Amiti Building, Agastya Corporate Park,
Kamani Junction (opp to Fire Station),
LBS Marg, Kurla (West), Mumbai-400 070.

2.The Authorized Officer,
Piramal Capital & Housing Finance Limited,
Branch Office, Shop No.1738/2A, 1st Floor,
Shah Complex, Palayamkottai, Tirunelveli-627 002. ... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned possession notice dated 11.01.2023 issued by the 2nd respondent and to quash the same.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.P.Pethu Rajesh

Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The possession notice dated 11.01.2023 issued by the 2nd respondent, is under challenge in this Writ Petition.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel appearing for the petitioner submitted that the petitioner to show his *bona fide*, is ready to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the respondent Bank on or before 24.03.2023 and remaining outstanding amount will be paid in six consecutive equal monthly installments,

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for which, Mr.P.Pethu Rajesh, learned Standing Counsel, who took notice on behalf of the respondents, is also agreeable.

4.In view of the above, we are inclined to pass the following order:-

“(i)The petitioner is directed to pay a sum of Rs.5,00,000/- on or before 24.03.2023 to the respondent Bank;

(ii)The balance outstanding amount shall be paid by the petitioner in six consecutive equal monthly installments. The 1st installment shall be paid on or before 24.04.2023 and the remaining five installments shall be paid on or before 24th day of every succeeding English calender month;

(iii)Till such time, the respondent Bank shall not take any coercive steps against the petitioner; and

(iv)If the petitioner fails to make any one of the aforesaid installments, the respondent Bank is at liberty to proceed in accordance with law.”



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5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [L.V.G., J.]
24.02.2023

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

MYR



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