



WEB COPY

W.P.(MD)No.4751 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P.(MD)No.4751 of 2023
and
W.M.P.(MD)Nos.4414 and 4415 of 2023**

A.Anjalai

... Petitioner

-VS-

The Authorised Officer/
Senior Manager,
Bank of Baroda,
Kothamangalam Branch,
No.140, Main Street, Kothamangalam,
Sivagangai District-630 105.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the Learned Judicial Magistrate Court, Sivagangai, in Crl.M.P.No. 9340 of 2022 dated 10.02.2023 and quash the same and consequently directing the respondent bank to furnish the statement of loan account for one time settlement.

For Petitioner
For Respondent

: Mr.P.Mahendran
: Mr.V.Sukumar
Standing Counsel



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ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

Challenging the order passed by the learned Judicial Magistrate Court, Sivagangai, under Section 14 of the SARFAESI Act in Crl.M.P.No.9340 of 2022 dated 10.02.2023, this writ petition is filed.

2. Since the post of Presiding Officer, Debts Recovery Tribunal, Madurai, is lying vacant and the Presiding Officer, Debts Recovery Tribunal, Coimbatore, is given in-charge and he is taking up cases pertaining to DRT, Madurai, on every Fridays only, we entertain this writ petition.

3. Mr.V.Sukumar, learned standing counsel takes notice for the respondent.

4. Learned counsel appearing for the petitioner submits that the petitioner is prepared to clear the entire outstanding amount if reasonable time is granted. Now the petitioner has also taken a demand draft for a sum of Rs.1,00,000/- drawn in favour of the respondent and she is ready to submit the same to the respondent on



06.03.2023. He further submitted that in addition to the above payment of Rs.1,00,000/-, the petitioner is prepared to pay 25% of the outstanding amount as on date to the respondent within a period of three weeks and in the meantime, she may be permitted to submit one time settlement proposal to the respondent and the same may be directed to be considered by the respondent.

5. Learned standing counsel appearing for the respondents has agreed to the aforesaid submission. He further submitted that if the petitioner fails to make the above payments, liberty may be given to the respondent Bank to proceed further in accordance with law.

6. Recording the above submissions, we direct the petitioner to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the respondent on 07.03.2023 and pay 25% of the outstanding amount as on date within a period of three weeks from the date of receipt of a copy of this order. After making the above payments, the petitioner is directed to submit a proposal for one time settlement, to the respondent Bank within one week thereafter and the same is directed to be considered by the respondent Bank within two weeks thereafter. Till such time, the impugned order shall be kept in abeyance.



W.P.(MD)No.4751 of 2021



7. With the above direction, the Writ Petition is disposed of.

No costs. Connected miscellaneous petitions are closed.

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[T.R., A.C.J.] [D.K.K., J.]
03.03.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
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W.P.(MD)No.4751 of 2023:

T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

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ORDER MADE IN
W.P.(MD)No.4751 of 2023
DATED : 03.03.2023