



W.P.(MD) No.5917 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.5917 of 2023
and
W.M.P.(MD) No.5505 of 2023**

Thilaka Sree

... Petitioner

-VS-

The Authorized Officer
cum Branch Manager,
Canara Bank,
Dhalavaipuram Branch,
Virudhunagar District.

... Respondent

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 notice issued by the first respondent dated 23.01.2023 and 23.02.2023 and quash the same.

For Petitioner :Mr.A.Sivaji

For Respondent :Mr.C.Karthik



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ORDER

WEB COPY [Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.C.Karthik, learned Standing Counsel, takes notice for the respondent bank.

2. Challenge is to the notice under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. Mr.A.Sivaji, learned counsel appearing for the petitioner would submit that the borrowing is for the purpose of education of the petitioner, who has completed her M.D.S., (Masters in Dental Surgery). He would also submit that she is now in the advance stage of pregnancy. She would require some more time to regularize the loan account.

4. Mr.C.Karthik, learned counsel appearing for the bank would submit that the amount defaulted so far comes to Rs.10,16,604/-. If the petitioner pays the same, the account will stand regularized and thereafter, she can pay the monthly installments.



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5. Considering the fact that the petitioner is in the advanced stage of pregnancy and she is expecting at any time, we are of the opinion that some time should be given to her to get the loan regularized. We, therefore, dispose of the writ petition in the following terms:

(i)The petitioner shall pay a sum of Rs.5,00,000/-(Rupees Five Lakhs Only) on or before 14.04.2023.

(ii)The balance that would be sufficient to regularize the account shall be paid on or before 15.05.2023.

(iii) Upon such payment, the bank will regularize the loan account and inform the petitioner as to the monthly installments to be paid by her in future.

(iv) In case of default in payment of any of the installments as aforesaid, the bank will be at liberty to proceed further with the recovery action.

No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

17.03.2023

NCC : Yes/No

Index : Yes/No

PM



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pm

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