



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Twenty Second day of June Two Thousand and Twenty
Three

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PRESENT

The Hon`ble The CHIEF JUSTICE
and
The Hon`ble Mr.Justice R.SUBRAMANIAN

WMP(MD) No.11080 of 2023
IN
WP(MD) No.23679 of 2022

VASANTHI.D

... PETITIONER/PETITIONER

Vs

1 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

2 M/S.STATE BANK OF INDIA
REP. BY ITS AUTHORIZED OFFICER,
K.VIGILAN, THIRUVATTAR BRANCH,
THIRUVATTAR, KANYAKUMARI DISTRICT

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to extend the time for compliance the conditions in the order dated 14.10.2022 made in W.P.(MD).No. 23679 of 2022 on the file of this Honble Court.

Prayer in WP(MD). 23679/ 2022 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the order of the 1st respondent in Crl.M.P.No.8076 of 2022 dated 03.09.2022 and quash the same.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.BALAJI NIVAS, Advocate for the petitioner and of MR.R.PANDIVEL, Advocate on behalf of the 2nd Respondent, the court made the following order:-

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.S.Balaji Nivas, learned counsel for the applicant and Mr.R.Pandivel, learned counsel for the second respondent - Bank.

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2. The present application is filed for extension of time to deposit the amount as directed by this Court under order dated 14.10.2022.

3. This Court under order dated 14.10.2022 in W.P.(MD) No.23679 of 2022 directed the petitioner to pay Rs.1,00,000/- (Rupees One Lakh only) before 14.11.2022 and the remaining amount in five consecutive equal monthly installments. The petitioner only deposited Rs.1,00,000/- (Rupees One Lakh only) and did not deposit the remaining installments. The petitioner has committed default of all the installments.

4. Learned counsel for the second respondent - Bank submits that the bank has filed a criminal case against the petitioner for breaking open the lock and taking over the possession of the property which was, in fact, taken over with the bank under the orders of the Chief Judicial Magistrate resorting to Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

5. The applicant is a widow. The applicant was also arrested in the chit fund case. According to learned counsel, the said chit fund was started by the husband of the petitioner and the members of the chit fund filed case against the present petitioner and her son.

6. Be that as it may, we do not approve the act of the petitioner in breaking open the lock.

7. As the present application is filed for extension of time and though the applicant may be guilty of such an overt act, considering that she is a widow, by way of an indulgence and as a last opportunity, we grant ten days time to the applicant to deposit the entire amount of installments, i.e., amount of Rs.6,00,000/- (Rupees Six Lakhs only) on or before 3rd July, 2023.

8. Failure to deposit the amount as directed will entail vacation of the protection granted by this Court axiomatically and the respondent bank will entitle to take possession of the property in accordance with law.

9. The application is disposed of.

sd/-
22/06/2023

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/06/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



WMP(MD) A



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TO

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- 1 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE AUTHORIZED OFFICER
STATE BANK OF INDIA
K.VIGILAN, THIRUVATTAR BRANCH,
THIRUVATTAR, KANYAKUMARI DISTRICT

+1. CC to MR.S.BALAJI NIVAS, Advocate SR.No.30322 (F)

ORDER
IN
WMP (MD) No.11080 of 2023
IN
WP (MD) No.23679 of 2022
Date :22/06/2023

PKP/BUC/SAR- /28.06.2023/ **3P/4C**