



W.P(MD)No.13386 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2023

CORAM :

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

**W.P(MD)No.13386 of 2023
and
W.M.P(MD)Nos.11286 and 11288 of 2023**

Dr.P.Hema

... Petitioner

vs.

1. UCO Bank,
Karaikudi Branch,
No.56, 100 feet Road,
Karaikudi, Sivagangai District-630 001.
Represented by its Authorized Officer,
Mr.G.Ranjithkumar

2. The Chief Judicial Magistrate,
Sivagangai, Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records in connection with the impugned order in Crl.MP.No.3098 of 2023 passed by the 2nd respondent dated 12.05.2023 and quash the same as illegal.

For Petitioner
For R1

: Mr.S.Bharathy Kannan
: Mr.P.T.S.Narendravasan for
Mr.K.Periasamy



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ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

Though several proceedings have been taken by the petitioner to stall the proceedings under the SARFAESI Act, it is seen that the petitioner has been making some payments in discharge of the loan. She is unable to sell the property. The Bank resorted to invoke the remedy under Section 14 of the SARFAESI Act, for taking physical possession of the property. This has lead to the petitioner approaching this Court again.

2. Mr.P.T.S.Narendravasan, learned counsel appearing for the Bank would submit that the amount due as on today is Rs. 23,80,797/-.

3. The learned counsel for the petitioner would submit that the petitioner would be able to liquidate the debt, if sometime is granted and she is allowed to pay in instalments.

4. Considering the fact that the secured asset is a residential house belonging to the petitioner's father who is said to be bedridden, the following order is passed:-



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(i) The petitioner shall pay a sum of Rs.11,80,797/- (Rupees Eleven Lakhs Eighty Thousand Seven Hundred and Ninety Seven only) on or before 10th of July 2023.

(ii) The Bank is restrained from taking possession of the property, if the petitioner pays the said amount.

(iii) The remaining amount of Rs.12,00,000/- (Rupees Twelve Lakhs only) shall be paid in three equated monthly instalments commencing from 10th of August 2023.

(iv) The interest that accrues during the interregnum and other expenses, if any, shall be paid along with the last of the instalment.

(v) If there is any default in payment of the monies as aforesaid, the Bank will be at liberty to proceed with further action.

5. With the above direction, the Writ Petition is disposed of.
No costs. Connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
07.06.2023

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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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To

The Chief Judicial Magistrate,
Sivagangai,
Sivagangai District.

ORDER MADE IN
W.P(MD)No.13386 of 2023
DATED : 07.06.2023