



W.P(MD)No.15896 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P(MD)No.15896 of 2022
and
W.M.P(MD)Nos.11470 and 11471 of 2022**

1. C.Bences
2. Ruby Stella
3. Subala Rani

... Petitioners

vs.

1. The Authorized Officer,
REPCO Home Finance Limited,
Office at Alexander Square,
No.2 (Old No. 34 and 35),
3rd Floor, Sardar Patel Road,
Guindy, Chennai-600 032.

2. The Branch Manager,
REPCO Home Finance Limited,
Branch Office at Nos.6 and 7,
First Floor, Dennison Road,
Near Vasantham Hospital,
Nagercoil-629 001,
Kanyakumari District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned 13(4) Possession Notice dated 23.06.2022 issued by the respondents Bank and quash the same as illegal.



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For Petitioners : Ms.S.Mahalakshmi
For Respondents : Mr.Rajesh Saravanan

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ORDER

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

We have heard Ms.S.Mahalakshmi, learned counsel appearing for the petitioners and Mr.Rajesh Saravanan, learned counsel appearing for the respondents.

2. The petitioners are challenging notice under Section 13(4) of the SARFAESI Act. The Division Bench of this Court under order dated 21.07.2022, had passed conditional interim order directing the petitioners to deposit a sum of Rs.2,50,000/- on or before 22.08.2022, a further sum of Rs.2,50,000/- on or before 22.09.2022 and a further sum of Rs.3,00,000/- on or before 20.10.2022.

3. Learned counsel for the petitioners submits that the petitioners have complied with the conditions and have deposited the amount as directed by this Court.

4. Learned counsel for the respondents also accepts the said fact.



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5. It appears that after 20.10.2022, the petitioners have not deposited any amount with the respondents.

6. Considering the amount outstanding, we pass the following order:-

(i) The petitioners shall deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) per month with the respondents.

(ii) The first instalment of Rs.6,00,000/- shall be deposited on or before 25.09.2023 and remaining monthly instalments shall be deposited on or before the 25th day of every month till the payment of the last amount.

(iv) If the petitioners desire, they may move an application with the respondents for one time settlement. If such application is made, the respondents may decide the application on its own merits.

(v) In case, the petitioners deposit the amount as directed above, then the respondents shall not proceed further under the provisions of the SARFAESI Act.

(vi) If any one default is committed of payment of instalments, then the respondents are at liberty to proceed ahead with the further actions under the provisions of the SARFAESI Act.



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7. The Writ Petition is accordingly disposed of. No costs.

W.M.P.No.11470 of 2022, filed to permit the petitioners to file a single writ petition is allowed and disposed of, as they have paid separate sets of court fee. W.M.P.No.11471 of 2022 is closed.

[S.V.G., C.J.]

[C.K., J.]

01.09.2023

Index : Yes / No
Neutral Citation : Yes / No
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THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

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