



W.P(MD)No.14971 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE C.KUMARAPPAN**

W.P(MD)No.14971 of 2023

and

W.M.P(MD)Nos.12610 and 12611 of 2023

M.Ramesh

... Petitioner

Vs.

1.The Chief Judicial Magistrate,
Nagercoil,
Kanyakumari District.

2.The Authorized Officer,
Equitas Small Finance Bank Ltd.,
4th Floor, Phaseil, Spencerplaza,
No.769, Mount Road, Annasalai,
Chennai.

3.The Manager,
Equitas Small Finance Bank Ltd.,
Rajakkamangalam Road,
Ramanputhooor, Simon Nager,
Nagercoil,
Kanyakumari District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to accept the payment paid by the petitioner as per the Lok Adalat award held at Tirunelveli



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as case No.24 dated 22.02.2021 and to release the documents from the charge of the loan.

For Petitioner : Mr.K.N.Thampi for
Mr.G.Cenil

For R-2 & R- : Mr.G.Radhakrishnan

ORDER

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

We have heard Mr.K.N.Thampi, for M/s.G.Cenil, learned counsel for the petitioner and Mr.G.Radhakrishnan, learned counsel for respondents 2 and 3.

2. It is submitted that the matter was settled before the Lok Adalat. The petitioner did not pay the amount within the stipulated period. Thereafter, in W.P(MD)No.4037 of 2022, under order dated 14.03.2022, a Division Bench of this Court observed that the petitioner has paid the amount as agreed in the Lok Adalat. However, there is a delay of one year. The Court observed that whether for the Post Covid Second Phase, any concession needs to be given to the borrower or not needs to be considered.



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3. Thereafter, the bank sought interest on the delayed payment.

4. After filing of the present writ petition, the petitioner has paid Rs.2,40,000/- towards interest.

5. The learned counsel for the bank accepts that the petitioner has paid Rs.2,40,000/- over and above the amount that was agreed in the Lok Adalat because of the delay in paying the amount. The same covers interest. However, the penalty of Rs.80,000/- is required to be paid by the petitioner.

6. We observe that the petitioner has paid the entire amount as agreed in the Lok Adalat, so also, further interest of Rs.2,40,000/- on account of the delay in paying the amount as agreed in the Lok Adalat. The same would be a sufficient compliance. The act of the petitioner appears to be bonafide.

7. In view of that, it would not be appropriate for the bank to levy penalty against the petitioner.

8. In light of above, the bank shall issue 'No due Certificate' to the petitioner.



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9. The writ petition is disposed of accordingly. No Costs.

Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(C.K., J.)

30.08.2023

NCC :Yes/No
Index : Yes/No
PM

To:

The Chief Judicial Magistrate,
Nagercoil,
Kanyakumari District.



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THE HON'BLE CHIEF JUSTICE

and

C.KUMARAPPAN, J.

PM

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