



W.P.(MD) No.14786 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

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

**W.P.(MD) No.14786 of 2023
and
W.M.P.(MD) Nos.12468 to 12470 of 2023**

1.Madhana Gopal
2.Rathinakumar

... Petitioners

-VS-

Lakshmi Vilas Bank,
Now called as DBS Bank India Limited,
Through its Authorized Officer
Mr.S.Rajakumar,
Regional Office, 2nd Floor,
South Wing, Registered Office at
Salem Main Road, Kathaparai,
Karur – 639 006.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the learned Chief Judicial Magistrate, Dindigul in Cr.M.P.No.5192/2020 dated 28.03.2023 and to quash the same.



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For Petitioners : Mr.Bharathi
for Mr.K.Sivabalan

For Respondent : Mr.S.I.Muthiah

ORDER

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

In view of the fact that the Debts Recovery Tribunal, Madurai, is not manned, we are entertaining this writ petition.

2. Mr.S.I.Muthiah, learned Standing Counsel, takes notice for the respondent – Bank. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. Challenging the order dated 28.03.2023, passed by the learned Chief Judicial Magistrate, Dindigul, the petitioners have come forward with this writ petition.



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4. Mr.S.I.Muthiah, learned Standing Counsel appearing for the respondent bank would submit that the outstanding as of today is Rs. 2,11,87,458/- (Rupees Two Crores Eleven Lakhs Eighty Seven Thousand Four Hundred and Fifty Eight only).

5. Mr.C.Bharathi, learned counsel representing Mr.K.Sivabalan, learned counsel appearing for the petitioners would submit that the petitioners who are exporters of vegetables and fruits suffered huge loss in the business due to the lockdown imposed which led to the default in repayment of the loan.

6. Considering the said plea, the writ petition is disposed of with the following directions:

- (i) The Bank will not take possession of the property, if the petitioners pay a sum of Rs.36,87,458/- (Rupees Thirty Six Lakhs Eighty Seven Thousand Four Hundred and Fifty Eight only) to the respondent – Bank, on or before 21.07.2023.



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- (ii) The remaining amount of Rs.1,75,00,000/- (Rupees One Crore Seventy Five Lakhs only) shall be paid by the petitioners in seven equated monthly installments commencing from 21st August, 2023. The monthly installments shall be paid on or before 21st of every succeeding month.
- (iii) The interest that accrues in the interregnum and the cost of the sale shall be paid along with the last installment.
- (iv) If there is a default in payment as directed above, the respondents – Bank can proceed in accordance with law.

No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
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