



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

Tuesday, the Twenty First day of February Two Thousand and
Twenty Three

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PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
AND
The Hon`ble Mrs.Justice L.VICTORIA GOWRI

WMP(MD) No.15135 of 2022
IN
WP(MD) No.12465 of 2022

RAJALAKSHMI J

... PETITIONER/PETITIONER/
PETITIONER

Vs

THE AUTHORIZED OFFICER
IDBI BANK LIMITED, SALAI ROAD BRANCH,
NO.57A, GROUND FLOOR, ROHINI CITY SQUARE,
SALAI ROAD, TRICHY 620 018.

... RESPONDENT/RESPONDENT/
RESPONDENT

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 to pay the 2nd installment balance amount of Rs. 2,00,000- (Rupees Two Lakhs Only) in WMP(MD) No. 8841 of 2022 in WP (MD) No. 12465 of 2022 by this Honble court dated 20.06.2022.

Prayer in WP(MD) . 12465/ 2022 :

To issue of Writ of Certiorari, calling for the entire record pertaining to the order dated 25.04.2022 passed in Cr.M.P.No.304 of 2022, issued under section 14(1) & 14(2) of SARFAESI Act by the respondent bank, quash the same as illegal.

Prayer in WMP(MD) . 8841/ 2022 :

To grant an order of Interim Stay of the all further proceedings in pursuant to the order dated 25.04.2022 passed in Cr.M.P.No.304 of 2022, on the file of the Learned Chief Judicial Magistrate, Trichy, pending disposal of the Writ Petition.

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 Mr.LENIN KUMAR .T, Advocate for the petitioner, the court made the following order:-



On 20.06.2022, this Court has passed the following order:-

'Challenging the order dated 25.04.2022, passed in Cr.M.P.No.304 of 2022, by learned Chief Judicial Magistrate, Trichy, on the application filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the above Writ Petition has been filed.

2. Heard Mr.T.Lenin Kumar, learned counsel for the petitioner.

3. Having regard to the peculiar facts and circumstances and the submissions of learned counsel for the petitioner that as on date the total outstanding is around Rs.39,00,000/- and the petitioner is prepared to deposit 20% of the said amount, if sufficient time is given, this Court is inclined to grant an order of interim stay on terms.

4. Accordingly, there shall be an order of interim stay on condition that the petitioner deposits a sum of Rs.4,00,000/- (Rupees Four Lakhs only) within a period of four weeks from today and a further sum of Rs.4,00,000/- (Rupees Four Lakhs only) on or before 22.08.2022 directly to the respondent Bank. In case the petitioner fails to deposit any one of the instalments, the interim stay granted shall stand vacated automatically without further reference to this Court and it is open to the respondent to proceed further in accordance with law.

5. Notice to the respondent returnable in four weeks. Private notice is also permitted. Post the matter after four weeks.'

2.Now, seeking to extend the time to pay the second instalment balance amount of Rs.2,00,000/- as per the aforesaid order, the petitioner has filed this petition.

3.Though the copy of the present petition served to the respondent, none appeared for the respondent.

4.Being satisfied with the reasons stated in the supporting affidavit, this petition is allowed subject to the condition that the petitioner shall pay the second instalment balance amount of Rs.2,00,000/- within a period of four weeks from the date of receipt of a copy of this order and the respondent shall maintain status-quo as on today for a period of eight weeks. If the petitioner does not comply with this order, this extension petition would stand dismissed automatically without further reference to this Court.



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5. List the writ petition after eight weeks for filing counter affidavit.

sd/-

21/02/2023

/ TRUE COPY /

/02/2023

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

BALA

TO

1 THE LEARNED CHIEF JUDICIAL MAGISTRATE, TRICHY

2 THE AUTHORIZED OFFICER
IDBI BANK LIMITED, SALAI ROAD BRANCH,
NO.57A, GROUND FLOOR,
ROHINI CITY SQUARE,
SALAI ROAD,
TRICHY 620 018.

+1. C.C. to M/S. LENIN KUMAR .T Advocate SR.No.2653

ORDER

IN

WMP(MD) No.15135 of 2022
IN

WP(MD) No.12465 of 2022

Date :21/02/2023

SA/VR/SAR.4/28.02.2023/3P/4C