



W.P(MD)No.19736 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.19736 of 2023
and
W.M.P(MD)Nos.16285 and 16286 of 2023**

M.Veerammal

... Petitioner

-VS-

M/s.Jana Small Finance Bank Limited,
Rep. by its Authorized Officer,
Branch Office at No.10,
Krishnapuram Colony Main Road,
Mahatma Gandhi Nagar,
Madurai – 625 014.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in the impugned order passed by the learned Chief Judicial Magistrate, Madurai in Cr.M.P.No.376 of 2023 dated 08.06.2023 and to quash the same as null and void, ultravires and illegal.

For Petitioner : Mr.B.Arun

For Respondent : Mr.S.Babu
Standing Counsel



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

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The petitioner has filed this Writ Petition challenging the impugned order dated 08.06.2023, passed in CrI.M.P.No.376 of 2023 by the learned Chief Judicial Magistrate, Madurai, under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. Though this Court is not inclined to entertain this Writ Petition, since the learned counsel for the petitioner states that the Presiding Officer of the Debts Recovery Tribunal, Madurai, is not in office for 10 days and the respondent has taken possession of the property in the meanwhile, this Court is inclined to entertain this Writ Petition.

3. Heard Mr.B.Arun, learned counsel for the petitioner and Mr.S.Babu, learned Standing Counsel for the respondent.

4. It is admitted that as on 12.06.2022, the total outstanding was Rs.8,15,806.95. Learned counsel appearing for the petitioner submits that the petitioner is desirous of settling the loan account, if time is granted for making payment in six instalments.



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5. Considering the various facts and circumstances and the submissions of learned counsel on either side, this Court is of the view that the petitioner can be shown some indulgence. Hence, this Court is inclined to dispose of the Writ Petition in the following lines:-

(i) The impugned order of the learned Chief Judicial Magistrate, Madurai, dated 08.06.2023, passed in Crl.M.P.No.376 of 2023, shall be kept in abeyance provided the petitioner pays a sum of Rs.1,00,000/- (Rupees one Lakhs only) on or before 31.08.2023 and the entire remaining outstanding in five consecutive equal monthly instalments directly to the respondent bank. The first instalment shall be paid on or before 30.09.2023 and the subsequent four instalments shall be paid on or before the last working day of every English Calendar month until the entire payment is made.

(ii) In case the petitioner commits any default in paying any one of the instalments, it is open to the respondent Bank to proceed further in accordance with law ignoring this order.

(iii) If the petitioner makes the payment of Rs.1,00,000/- (Rupees one Lakhs only) on or before 31.08.2023 as indicated above, the respondent is directed to handover the key and possession of the property in question to the petitioner within a reasonable time without driving the petitioner to approach this Court for further directions.



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6. The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[S.S.S.R, J.]

[D.B.C., J.]

11.08.2023

Index : Yes / No

Neutral Citation : Yes / No

sj



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and
D.BHARATHA CHAKRAVARTHY, J.

sj

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