



W.P.(MD)No.24639 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.24639 of 2022

and W.M.P.(MD)Nos.18732 & 18733 of 2022

R.Neethi

... Petitioner

Vs.

M/s.Edelweiss Asset Reconstruction

Company Ltd.,

Rep. by Authorized Officer,

S.Srinivasan,

Retail Central Office at 1st Floor,

Edelweiss House, Off CST Road,

Kalina, Mumbai – 400 098.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in C.R.M.P.No.301/2021, dated 23.11.2021 on the file the Chief Judicial Magistrate, Madurai and quash the same.

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For Petitioner : Mr.S.Ramsundarvijayraj

For Respondent : Mr.V.Kasirajan

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

In view of the fact that the Debts Recovery Tribunal, Madurai is functioning once in a week, we are inclined to entertain this Writ Petition.

2. Challenging the order passed by the Chief Judicial Magistrate, Madurai, in C.R.M.P.No.301/2021, dated 23.11.2021, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the respondent bank submitted that the petitioner has approached the respondent bank under the OTS scheme and the same was offered by the respondent bank for a sum of Rs.22,75,000/-, out of which, the petitioner has paid only a sum of Rs.12 lakhs within the time



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stipulated as per the OTS scheme and the balance amount has not been paid by the petitioner.

4. In reply, the learned counsel for the petitioner submitted that due to various reasons, the petitioner could not able to repay the balance amount of Rs.10 lakhs to the respondent bank and now the petitioner is ready to pay the said amount to the respondent bank and to show his *bono fide*, he has also drawn the Demand Draft for a sum of Rs.10 lakhs and hence, he prays for appropriate orders.

5. The learned counsel appearing for the respondent submitted that the OTS scheme announced by the respondent has already been lapsed and therefore, at this stage, the request made by the petitioner cannot be considered and the petitioner can approach the respondent bank either for One Time Settlement or any other offer made by the respondent bank.



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6. In view of the above submissions, we direct the petitioner to approach the respondent bank and make a request either seeking for one time settlement or any other offer made by the respondent bank, within a period of four weeks from the date of receipt of a copy of this order. If the petitioner is eligible, the respondent bank shall consider the request of the petitioner and pass orders in accordance with law. Till such time, the respondent Bank shall not take any coercive action against the petitioner. If the petitioner has paid the amount, the respondent bank shall return the entire original documents to the petitioner, for which the learned counsel for the respondent is agreed.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [L.V.G., J.]

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NCC : Yes / No
Index : Yes / No
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