



WP No.22456 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No.22456 of 2024

1.K.V.Lakshmipathy

2.L.Jayasree

: Petitioners

versus

1.The Registrar,
Debts Recovery Tribunal,
Chennai II, Shastri Bhavan
Haddows Road, Chennai 6

2.The Authorised Officer,
City Union Bank Ltd.,
Credit Recovery & Management Department,
Administrative Office, No.24-B,
Gandhi Nagar, Kumbakonam 612001

3.The Branch Manager,
City Union Bank Ltd.,
Tirupattur Branch,
Tirupattur 635 601

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus restraining respondents 2 and 3 from proceeding with recovery proceedings initiated against secured assets of the petitioners in respect of their loan accounts bearing account numbers 512020010021820, 501312030020336 and 501812080065979 with 3rd respondent till the disposal of SA No.265 of 2024 on the file of Debts Recovery Tribunal, Chennai-II.



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For Petitioner : Mr.S.Manoj
for Mr.S.Thirumavalavan

For Respondents 2, 3 : Ms.Anuradha Balaji

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

On 02.08.2024, the following order came to be passed:

“WMP No.24455/2024 seeking to permit the petitioners to file a single petition is allowed.

2.Considering the facts and circumstances of the case and the earnest efforts of the borrowers to settle the entire dues, this Court finds that the respondents are unreasonable. In view of the peculiar situation, this Court grants an order of interim injunction as prayed for on condition that the petitioners pay a sum of Rs.1,00,00,000/- [Rupees One Crore only] before the respondent bank on or before 31.08.2024 out of which a sum of Rs.10,00,000/- shall be paid before 16.08.2024. Post on 19.08.2024. Notice to the respondents returnable by then.”

2. Petitioners have admittedly paid a sum of Rs.10 lakh. The balance amount of Rs.90 lakh which was to be paid on or before 31.08.2024 has not been paid. Miscellaneous petition, supported by affidavit dated 01.09.2024, being WMP No.28777 of 2024, has been filed seeking an extension of 30



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days to enable petitioners to comply with the condition imposed. Petitioners in effect, sought time till 30.09.2024 to pay the balance amount. We are today on 23.10.2024 and Ms.Anuradha Balaji states that no amount has been paid. Therefore, WMP No.28777 of 2024 is dismissed. In view of non-compliance of the order dated 02.08.2024, stay granted also stands vacated.

3. The prayer in the petition is only for staying the recovery proceedings and since petitioners have not been able to even comply with the conditional order passed by this court, petition is dismissed. There will be no order as to costs.

(K.R.SHRIRAM, CJ.)

(SENTHILKUMAR RAMAMOORTHY, J.)

23.10.2024

Index : Yes/No
Neutral Citation : Yes/No
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