



W.P.(MD) No.3101 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.3101 of 2024

Mr.Christopher Jenkins

....Petitioner

Vs.

The Branch Manager
Canara Bank
Thuckalay Branch
Kanyakumari District

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to release the attachment and repossess the residential building situated at Door No.5/42C, Adakkachivilai, Mulagummodu post, Kanyakumari District to the petitioner.



W.P.(MD) No.3101 of 2024

WEB COPY

For Petitioner : Mr.N.Kamesh

For Respondent : Mr.C.Deepak

ORDER

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

When the matter is taken up for hearing, the writ petitioner has agreed to pay the entire outstanding due amount of two loan accounts to the respondent Bank within a reasonable time as granted by this Court.

2.The learned counsel appearing for the respondent Bank, on instruction, submits that the payment of outstanding due amount of one account is Rs.23,53,354.31 and another account is Rs.2,32,443.23 with penalty of Rs.1,83,000/-. The total outstanding due amount is Rs.27,68,797/-. The learned counsel had insisted upon the petitioner to settle the total outstanding due amount within a period of three months ie. the last installment has to be paid on or before 31st of May 2024.



W.P.(MD) No.3101 of 2024

WEB COPY

3. Per contra, the learned counsel appearing for the petitioner seeks permission of this Court to settle the aforesaid total outstanding due amount by seven equal monthly installments.

4. In view of the submissions made on either side, we are inclined to pass the following orders:

(i) The petitioner has to pay the total outstanding due amount of Rs.27,68,797/- by five monthly equated installments.

(ii) The first monthly installment commences from March 2024 and the same has to pay on or before 10th March, 2024 and the petitioner has to settle the remaining amount in the last equated monthly installment on or before 10th July, 2024 to the respondent.

(iii) If the petitioner commits any default in paying any one of the equated monthly installments, it is open to the respondent Bank to initiate necessary action for recovery of the said amount in accordance with law.



W.P.(MD) No.3101 of 2024

WEB COPY

(iv)The respondent Bank shall handover the possession of the property to the petitioner subject to the payment of entire outstanding due amount.

5.With the above said observation, this Writ Petition is disposed of. No costs.

[D.K.K., J.]

[R.V., J.]

23.02.2024

Internet : Yes / No
Index : Yes / No
Neutral Citation : Yes/No
msa



WEB COPY



W.P.(MD) No.3101 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

msa

W.P.(MD)No.3101 of 2024

23.02.2024

Page 5 of 5