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W.P.(MD) No.10034 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU**

W.P.(MD) No.10034 of 2024

and

W.M.P.(MD) Nos.9068 & 9069 of 2024

S.Palaniselvi

... Petitioner

-VS-

- 1.The Authorized Officer
Tamilnad Mercantile Bank
Rajapalayam Branch
Aishwarya Complex
D.No.391, Tenkasi Road
Rajapalayam-626 117
- 2.Tamilnad Mercantile Bank
rep.by its Branch Manager
Rajapalayam Branch
Aishwarya Complex
D.No.391, Tenkasi Road
Rajapalayam-626 117
- 3.S.Thangaprabhu
Proprietor
M/s.V.P.M.Sankar and Son
(VPMS Gold Palace)
No.739, Tenkasi Road
Rajapalayam-626 117
and also at
VPMS Gold Palace
No.150A, Nethaji Road
Srivilliputtur-626 125

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned rejection order dated 06.03.2024, passed by the respondent Bank and quash the same as illegal and consequently direct the respondent Bank to exclude the liability of Srivilliputtur Showroom Cash Credit Facilities A/c.No. 073700150950079 from the sale proceeding conducted by the respondent Bank.

For Petitioner : Mr.K.Murali Sankar

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.K.Murali Shankar, learned counsel for the petitioner.

2. The petitioner seeks a direction against the respondent – Bank to extend the time to pay the amount under One Time Settlement (OTS).

3. Learned Advocate for the petitioner submits that the respondent – Bank granted nineteen days to the petitioner to pay the amount. The said



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time was too short. Reasonable time ought to have been granted. The petitioner only seeks extension of time to pay the amount under OTS.

4. The parties would be governed by the terms of the OTS. It may not be possible for the Court to substitute the conditions of the OTS. It is for the petitioner to approach the respondent – Bank and it is for the respondent – Bank to consider the request of the petitioner as per its policy and on its own merits.

5. The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.G., C.J.]

[P.D.A., J.]

25.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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THE HONOURABLE CHIEF JUSTICE
and
P.D.AUDIKESAVALU, J.

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