



W.P(MD)No.13157 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2024

CORAM :

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.13157 of 2024
and
W.M.P(MD)No.11659 of 2024**

P.Shanthi

... Petitioner

vs.

Canara Bank,
Rep by its Authorised Officer,
ARM Branch,
1st Floor, Circle Office,
East Veli Street,
Madurai.

... Respondent

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 impugned proceedings of the Chief Judicial Magistrate, Tirunelveli, vide Cr.MP.No. 2689 of 2023, dated 13.03.2023, and to quash the same as illegal consequently directing respondent bank to consider the request of the petitioner by providing grace period for the settlement of the outstanding amount as per the OTS Sanction letter issued by the respondent bank vide sanction letter No.ARM MDU 417 IFG PKP 2023-24 dated 13.02.2024.



W.P(MD)No.13157 of 2024

For Petitioner
For Respondent

: Mr.M.Sankar
: Mr.M.Pethu Rajesh, Standing Counsel

WEB COPY

ORDER

R.MAHADEVAN, A.C.J.
AND
G.R.SWAMINATHAN, J.

Heard both sides.

2. The petitioner had availed loan from the respondent. She committed default. The respondent took recourse to SARFAESI proceedings. Order was passed by the learned Chief Judicial Magistrate, Tirunelveli District, under Section 14 of the SARFAESI Act. In fact, on 16.03.2024, the Bank had offered one time settlement. The petitioner was called upon to pay a sum of Rs.55 Lakhs plus Rs.3 Lakhs towards full and final settlement of dues. The petitioner had paid a sum of Rs.5,80,000/-. The balance Rs.49,20,000/- was to be paid in three instalments. Since the petitioner failed to do so, the property was brought to auction. The property was proposed to be sold for a sum of Rs.50,00,000/-. Since the petitioner is ready to adhere to the one time settlement offer and also to pay costs and interest, the interest of the Bank will be secured by granting grace period to the petitioner herein.



W.P(MD)No.13157 of 2024

3. The petitioner had shown her bonafides by paying a sum of Rs.15,00,000/- by way of demand draft. The demand draft was handed over, in our presence, to the Bank counsel. The interest and costs have accumulated to a sum of Rs.3,00,000/- in the meanwhile. Thus, the balance amount payable by the petitioner is quantified at Rs.37,20,000/-. The petitioner undertakes to pay a sum of Rs.10,00,000/- before the end of this month(30.06.2024) and the balance amount of Rs.27,20,000/- will be paid on or before 31.07.2024.

4. Thus, the Writ Petition is disposed of, by granting grace period upto 31.07.2024. If the petitioner fails to adhere to the undertaking now given before this Court, the benefit of this order would stand recalled automatically and the petitioner will be relegated to the position that obtained when the writ petition was filed. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., A.C.J.] & [G.R.S., J.]
21.06.2024

Index : Yes / No
Neutral Citation : Yes / No
bala



WEB COPY



W.P(MD)No.13157 of 2024

R.MAHADEVAN, A.C.J.
AND
G.R.SWAMINATHAN, J.

bala

W.P(MD)No.13157 of 2024

21.06.2024