



Rev.Aplw.(MD).No.187/2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

Rev.Aplw.(MD).No.187/2023 & WMP.(MD).No.19075/2023

The Authorised Officer  
M.Rajapandi,  
Fullerton India Home Finance Co.Ltd  
No.179, Krishnaswamy Mudaliyar Road  
R.S.Puram, Opposite to Brooke Field Mall  
Coimbatore.

.. Petitioner

Vs.

1.Selvi  
2.Ragavi  
3.Srivarshini  
4.SRV Agencies  
A Partnership Firm  
rep.by its Partner Selvi  
258A, SRP Illam KKP Street  
Mullai Nagar, Bodhyupatti Road  
Namakkal 637 001.

... Respondents

**Prayer** : Review Application filed under section 114 read with Order 47



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Rules 1 and 2 of CPC against the order made in WP.(MD).No.16437/2022 dated 27.07.2022.

For Petitioner : Mr.A.Balaji  
For R1 & R4 : No appearance

### ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The present Review Application is filed by the review applicant as against the order passed in WP.(MD).No.16437/2022 dated 27.07.2022.
- (2)Despite notice being served on respondents 1 and 4 herein and their names printed in the cause list, there is no representation. Notice sent to respondents 2 and 3, was returned with an endorsement "no such addressee".
- (3)The sole respondent in WP.(MD).No.16437/2022 is the review applicant herein. The respondents herein filed the above writ petition challenging the order of the learned Chief Judicial Magistrate, Pudukottai dated 28.06.2022 in CrI.MP.No.445/2022, under Section 14 of SARFAESI Act. This Court, on the basis of the facts narrated by the writ petitioners,



passed the following order on 27.07.2022:-

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*"4.The learned counsel for the respondent has no serious objection for handing over the possession to the petitioners, if the petitioners pay a sum of Rs. 9,00,000/- [Rupees Nine Lakhs only] within a period of three months.*

*5.In the said circumstances, this writ petition, is disposed of with the following directions:-*

*Upon paying a sum of Rs.9,00,000/- [Rupees Nine Lakhs only] within a period of three months from date of receipt of a copy of this order, the respondent is directed to hand over the possession to the petitioners within a period of one weeks from the date of making of the said payment. It is open to the petitioners to approach the respondent either for waiver of interest or for restricting the loan, which is permissible. Till such time the respondent passes an order on the representation of the petitioners and communicates the same to the petitioners, the respondent shall not take further coercive steps as against the petitioners. No costs. Consequently, connected miscellaneous petition is closed."*

(4)Learned counsel for the review applicant who is the respondent in the



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writ petition, now represented that that the writ petitioners, after taking possession pursuant to the direction of this Court upon payment of Rs.9 lakhs, have not submitted any representation as indicated in the order dated 27.02.2022. Since no time limit was prescribed in the order, this Court is unable to take further action against the writ petitioners.

(5) This Court is of the view that the respondents herein / writ petitioners, after getting interim direction from this Court to take possession of the property, failed to submit a representation consciously since this Court has directed the applicant/Bank herein not to take further coercive steps till such time, the Bank passes an order on the representation of the writ petitioners.

(6) Having regard to the conduct of the respondents herein who are writ petitioners, this Court is inclined to modify paragraph No.5 of the order dated 27.07.2022 in the following lines:-

*5. In the said circumstances, this writ petition, is disposed of with the following directions:-*

*Upon paying a sum of Rs.9,00,000/- [Rupees Nine Lakhs only] within a period of three months from date of receipt of a copy of this order, the respondent is*



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*directed to hand over the possession to the petitioners within a period of one week from the date of making of the said payment. It is open to the petitioners to approach the respondent either for waiver of interest or for restricting the loan, which is permissible. **Such a representation shall be submitted by the writ petitioners within a period of one week from the date of receipt of a copy of this order.** Till such time the respondent passes an order on the representation of the petitioners and communicates the same to the petitioners, the respondent shall not take further coercive steps as against the petitioners. No costs. Consequently, connected miscellaneous petition is closed."*

(7) Since the time limit is prescribed by this Court in this order, it is open to the writ petitioners/respondents herein to submit a representation within a period of one week from the date of receipt of a copy of this order to the applicant/Bank for One Time Settlement. In case no such representation is submitted by the writ petitioners/respondents within the period stipulated by this Court, it is open to the review applicant/Bank to proceed further and to take immediate possession without any further order of Court.



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(8)The review application stands **disposed of accordingly.** No costs.

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Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]  
28.10.2024

AP

Internet : Yes

Neutral Citation : Yes / No

To

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