



W.P.(MD)No.24348 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.24348 of 2024

and

W.M.P.(MD)No.20661 of 2024

T.Thankabai

: Petitioner

Vs.

M/s.Manappuram Home Finance Limited.,

Represented by its Branch Manager &

Authorized Officer, Thiru.R.Rajasekaran,

1st Floor, 562/4, M.S.Road,

Vettornimadam Junction,

Opp Rajas Mandapam,

Vettornimadam,

Nagercoil – 629 003.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed in I.A.No.3235 of 2024



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in S.A.No.572 of 2024 by the Debts Recovery Tribunal, Madurai on 03.10.2024, quash the same and consequently modifying the conditional order of stay by permitting the petitioner to deposit the 30% of the outstanding loan amount before the Hon'ble Debts Recovery Tribunal, Madurai, instead of the respondent bank.

For Petitioner : Mr.L.Shaji Chellan

For Respondent : Mr.M.Senthil Kumar

ORDER

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

Though the petitioner herein has raised certain grounds challenging the interim conditional order passed under Section 17 of “the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002” [hereinafter referred to as “SARFAESI Act”], whereby the stay was granted on condition that the petitioner makes three equal monthly instalments commencing from 05.10.2024, he submitted that he is not pressing any of the grounds but he is willing to make payments in three monthly instalments commencing from 05.12.2024.

2.It is his submission that the property which is sought to be brought for auction is a petty shop measuring less than two



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cents, which is the only livelihood of the petitioner who is the widow of the borrower.

3. Learned Counsel appearing for the financial institution submitted that in spite of several opportunities given, the petitioner herein has not complied with the orders of this Court.

4. We are inclined to take a sympathetic approach and thereby grant one last opportunity to the petitioner. However, we hasten to add here that in case, the petitioner defaults to make the payments to the financial institution as per the present order, the financial institution would be at liberty to forthwith pursue with further action to liquidate the property, as per law.

5. In the light of the above observations, the petitioner is called upon to pay the respondent financial institution, the following payments:

Instalment	Due Date	Amount to be paid
1 st instalment	05.12.2024	Rs.54,000/-
2 nd instalment	05.01.2025	Rs.54,000/-
3 rd instalment	05.02.2025	Rs.54,000/-



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6. Apart from the aforesaid modifications, all other observations and findings made in the order dated 05.09.2024, shall remain intact.

7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

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Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
W.P.(MD)No.24348 of 2024

11.11.2024