

Court No. - 3

Case :- WRIT - C No. - 7486 of 2023

Petitioner :- M/S Shiv Traders Prop. Shiv Mohan And Another

Respondent :- Baroda U.P. Bank Head Office Buddh Vihar
Commercial Scheme, Thru. General Manager And 2 Others

Counsel for Petitioner :- Raja Pratap Singh, Ashutosh Mishra

Counsel for Respondent :- Prashant Kumar Srivastava

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard learned counsel for the petitioner and Sri Arshad Siddiqui, Advocate holding brief of Sri Prashant Kumar Srivastava, learned counsel for the respondent.

Petitioner has approached this Court with the following reliefs:-

"(i) to issue a writ, order or direction in the nature of certiorari to quash the impugned auction notice dated 24.07.2023 issued by opposite party no. 3, contained as Annexure No. 1 to this writ petition.

(ii) to issue a writ, order or direction in the nature of Mandamus commanding opposite parties to stop the auction proceeding going to be held as per notice dated 24.07.2023 with regard to petitioner's property in interest of justice."

Learned counsel for the petitioner submits that he is ready to pay the outstanding amount in easy installments.

Learned counsel for the Bank has no objection to the aforesaid submission of learned counsel for the petitioner.

With the consent of learned counsel for the parties, the following order is passed:-

Petitioner shall deposit a sum of Rs. 2 lakh within first month from today.

Remaining amount shall be paid in nine equal monthly installments.

In case of any further interest due against the petitioner, the same shall be paid in the last installment.

In case of failure to pay first installment or two consecutive installments thereafter, it shall be open for the Bank to proceed against the petitioner in accordance with the Rules.

Writ petition stands disposed of.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 27.10.2023

Nitesh