

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

WRIT PETITION No.19018 of 2015

ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

The petitioner has filed this writ petition challenging the possession notice dated 16.6.2015 issued by the respondent-Bank in exercise of powers under Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity "the SARFAESI Act") and Rule 8(1) of the Security Interest (Enforcement) Rules, 2002.

2. The petitioner is a guarantor for the loan obtained by her husband, being the Proprietor of M/s. Madhusala Restaurant & Bar. As the husband of petitioner failed to comply with the demand notice issued under Section 13(2) of the SARFAESI Act, the respondent-Bank has issued possession notice dated 16.6.2015 under Section 13(4) of the SARFAESI Act for realization of the loan amount of Rs.34,77,675/-.

3. While issuing notice before admission, this Court, by order dated 26.6.2015, directed the respondent-Bank not to take any further steps, if the petitioner deposits 50% of the amount due as on the said date.

4. When the matter is called for hearing, it is represented

by Sri Alladi Ravinder, learned counsel for the petitioner, as well as Sri Ambadipudi Satyanarayana, learned Standing Counsel for the respondent-Bank, that pursuant to the order dated 26.6.2015, the petitioner has already deposited 50% of the amount due. Learned counsel for the petitioner seeks six months time to pay the balance amount due with a direction not to take any further steps pursuant to the impugned possession notice dated 16.6.2015.

5. On the other hand, the learned Standing Counsel for the respondent-Bank submits that there is an acknowledgement in proof of service of notice under Section 13(2) of the SARFAESI Act and, as such, the petitioner is not entitled for grant of the relief sought for in the writ petition.

6. It is not in dispute that the total amount due as per the possession notice dated 16.6.2015 is Rs.34,77,675/-. As the petitioner has already paid 50% of the said amount, we deem it appropriate to dispose of the writ petition permitting the petitioner to pay the balance amount due together with interest thereon within a period of three months from today. It is made clear that if the petitioner fails to pay the balance amount together with interest, it is open to the respondent-Bank to take further steps pursuant to the possession notice dated 16.6.2015 in accordance with law.

7. Subject to the above directions, this writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

17.08.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT PETITION No.19018 of 2015

17.08.2015

Msr