

HONOURABLE SRI JUSTICE RAJA ELANGO

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WRIT PETITION NO:10592 OF 2008

ORDER:

1. This writ petition is filed challenging the notice in CEP No.428 of 2002-2003, dated 10.4.2008 issued by the 3rd respondent.

2. It is stated that the petitioner obtained loan of Rs.50,000/- from the 2nd respondent-Bank for the purpose of his business on 30.4.1999 agreeing to repay the same with interest in 24 equal monthly instalments. The petitioner repaid a sum of Rs.30,000/- and he failed to pay the balance amount due to unavoidable circumstances. While so, the 3rd respondent issued a notice in Form No.9 to auction the residential house of the petitioner. Questioning the same, the petitioner filed W.P. No.5147 of 2004. The said writ petition was disposed of directing the 3rd respondent to serve the copy of Award on the petitioner so as to enable him to approach the appellate authority. After disposal of the said writ petition, the 3rd respondent served the copy of the Award. Against the said Award, the petitioner filed an appeal and the Tribunal allowed the appeal setting aside the award and remanding the matter to the 3rd respondent, with a direction to give reasonable opportunity to the petitioner. Thereafter, the 3rd respondent neither issued any notice nor conducted any enquiry. But the 3rd respondent issued notice dated 10.4.2008 proposing to conduct auction for selling the house property of the petitioner. Hence, the petitioner approached this Court.

3. When this matter has come up for hearing, the learned Counsel for the petitioner has brought to the notice of this Court that the petitioner has paid a sum of Rs.1,50,000/- on 3.6.2011 towards full and final settlement of loan amount obtained from the 2nd respondent-Bank and therefore, the subject matter of this writ petition has become infructuous. The learned Counsel for the petitioner has also placed a copy of 'no due certificate' obtained from the Bank.

4. Recording the above submission, the Writ Petition is dismissed as infructuous. There shall be no order as to costs. Consequently, the miscellaneous petitions pending, if any, shall stand dismissed.

Justice Raja Elango

Date:21.4.2015

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