

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

W.P.No. 2399 OF 2015

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ORDER: (*Per Hon'ble Sri Justice Ramesh Ranganathan*)

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The action of the respondent bank, in insisting on the petitioners paying an additional amount of Rs.2,25,000/- along with second installment of Rs.5,72,618/- as per the orders of this Court in W.P.No. 32019 of 2014, is under challenge in the present Writ Petition. The petitioners had invoked the jurisdiction of this Court earlier by way of W.P.No. 32019 of 2014 and a Division Bench of this Court, by its order dated 10-11-2014, directed the petitioners to pay 50% of the outstanding loan amount within six weeks from the date of receipt of a copy of the order; and the remaining outstanding amount within six weeks thereafter. The respondent bank was directed to restore possession of the flat to the petitioners immediately after receipt of a copy of the order. The petitioners claim to have complied with the aforesaid directions. It is their case that the bank has now directed them to pay Rs.7,91,753/- representing the interest due as on 09-01-2015 of Rs.5,72,618/-; interest, thereafter upto 10-02-2015, for Rs.1,10,954/-; and other charges (paper publication charges, advocate fees etc.) of Rs.1,08,181/-.

During the pendency of the present Writ Petition, the petitioners paid Rs.5,72,618/-; and, consequently, the amount now due is said to be Rs.2,34,600/- which includes costs and other expenses. Sri Ch.Srinivas, learned counsel for the petitioners, put forth his submissions on the validity of the claim of the bank in this regard. On being pointed that these are all not matters which this Court would examine in proceedings under Article 226 of the Constitution of India, Sri Ch.Srinivas, learned counsel for the petitioners, would submit that it would suffice if this Court were to grant the petitioners six weeks' time to pay the said amount of Rs.2,34,600/-. As the petitioners have paid the debt due with interest till 09-01-2015 and the balance due, inclusive of advocate's fees and publication charges *etc.*, is only for Rs.2,34,600/-, we consider it appropriate to permit them to pay the said

amount on or before 31-05-2015. The respondent bank shall not take any coercive proceedings till then. It is made clear that, on failure of the petitioners to pay the aforesaid amount on or before 31-05-2015, it is open to the respondent bank to take action, thereafter, in accordance with law. Sri Ch.Srinivas, learned counsel for the petitioners, expresses apprehension that, even on payment of the said amount, the documents would not be released. There is no justification for any such apprehension. As no such relief has been claimed in the Writ Petition, we refrain from saying anything more.

The Writ Petition is disposed of accordingly. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed in consequence. No order as to costs.

RAMESH RANGANATHAN, J.

M.SATYANARAYANA MURTHY, J.

Date: 15th April, 2015.

JSK