

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.40188 of 2015

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ORDER:

The petitioner questions the action of the respondent in selling his swift car Maruti Suzuki bearing No.AP 31 CG 0005.

Earlier, petitioner approached this Court by way of W.P.No.30575 of 2015 questioning the auction notice issued by the respondent bank during pendency of the civil suit i.e. O.S.No.41 of 2015 before the Junior Civil Judge, Visakhapatnam. After hearing both sides, the said writ petition was disposed of on 18.09.2015 permitting the petitioner to deposit the due amounts in two installments and the auction conducted on 23.09.2015 was accordingly stayed.

The petitioner states that he paid the first installment, but could not pay the second one within the time, as details of account were not given by the Branch Manager in spite of his request. Subsequently, the auction was again proposed to be conducted on 25.11.2015. Hence, questioning the same, the present writ petition is filed.

Learned counsel for the petitioner states that though there was delay in payment of second installment, the petitioner is ready to pay the same along with further penalty or interest, if any. On that offer, learned standing counsel for the respondent sought time to get instructions from the respondent. He now submits that not only the auction was held regarding the said vehicle, but the sale certificate was already issued and the vehicle was delivered to the auction purchaser Sri Vakada Prasada Rao on 02.12.2015 and a copy of the said sale certificate is produced in the Court.

In view of the above, the relief sought for by the petitioner cannot be considered or granted, as the same is infructuous.

Accordingly, the writ petition is dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

VILAS V.AFZULPURKAR, J

Date: 11-12-2015

Kvrm

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.40188 of 2015

Dated: 11-12-2015

kvrn