IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2016

CORAM

THE HON'BLE Mr. JUSTICE **K.K.SASIDHARAN**
and
THE HON'BLE Mr. JUSTICE **M.VENUGOPAL**

C.R.P. (PD) No.426 of 2016
and
C.M.P.No.2229 of 2016

Uma Ganesan .. Petitioner

Vs.

The Authorised Officer,
The Karur Vysya Bank Limited,
No.100/161, 60 Feet Road Junction,
P.N.Road, Tirupur - 641 602. .. Respondent

Civil Revision Petition filed under Article 227 of The Constitution of India against the order in I.A.No.1863 of 2015 in S.A.No.210 of 2014 on the file of Debt Recovery Tribunal at Coimbatore dated 08.12.2015.

For Petitioner .. Ms.V.Vimala

ORDER

(Order of the Court was made by **M.VENUGOPAL, J.**)

Heard the learned counsel for the petitioner.

2.To avoid an avoidable delay, notice to the respondent/Bank is dispensed with.

3.The petitioner has preferred the instant Civil Revision Petition as against the order dated 08.12.2015 in I.A.No.1863 of 2015 in S.A.No.210 of 2014 passed by the Debt Recovery Tribunal, Coimbatore (for short 'DRT'). The DRT, while passing the common order in I.A.Nos.1862 and 1863 of 2015 in S.A.No.210 of 2014, filed by the revision petitioner, had inter alia observed as follows:

> *"The Ld. Counsel strongly objected to the prayer of the Petitioner/Applicant.*
>
> *However, having taken into consideration of the rival contentions of the respective parties, this Tribunal is of the*

view that as an interim measure, if a limited conditional order is passed, without going to merits of the matter, it would meet the interest of justice and natural justice. Accordingly, Ad Interim Injunction is granted against the R/Bank, not to confirm the sale till 09.02.2016, subject to payment of Rs.5,12,500/- directly before the R/Bank on or before 08.01.2016, as 1st instalment, and another sum of Rs.5,12,500/- directly before the R/Bank on or before 08.02.2016, as 2nd instalment. However, in the event of failure to pay even a single instalment, as ordered above, the Ad Interim Injunction granted not to confirm the sale till 09.02.2016 shall stand vacated automatically, and thereafter, the R/Bank will be at liberty to proceed against secured assets as per law. It is also made specifically clear that the R/Bank is at liberty to proceed with the proposed sale fixed on 09.12.2015, subject to the above conditions.

Counter, RS and PP by 09.02.2016. Call on 09.02.2016."

and directed the matter to be called on 09.02.2016.

4.The learned counsel for the petitioner submits that the revision petitioner's marriage is fixed on 17.02.2016 with one R.Prasanth and she being a young entrepreneur and the property in issue is a dwelling house, she prays for extension of time to pay the amount, as directed by the DRT.

5.Taking note of the fact that the petitioner is getting married on 17.02.2016 and she being a young entrepreneur and the property in issue is a dwelling house, and also taking note of yet another fact that she had remitted a sum of Rs.1.50 lakhs to the respondent/Bank on 18.11.2015, this Court, at this stage, simpliciter, without expressing any opinion and also without going into merits of the matter, grants one month time from the date of receipt of a copy of this order, to the petitioner to pay the first instalment of Rs.5,12,500/- and the second instalment of Rs.5,12,500/- directly before the respondent Bank.

6.With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(K.K.SASIDHARAN, J.) (M.VENUGOPAL, J.)
12 February 2016

Index:Yes/No
mmi
Note: Issue copy of the order on 15.02.2016

To

The Authorised Officer,
The Karur Vysya Bank Limited,
No.100/161, 60 Feet Road Junction,
P.N.Road, Tirupur - 641 602.

K.K.SASIDHARAN, J.
and
M.VENUGOPAL, J.

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