

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9269 of 2016
and
WMP.No.8236 of 2016

B.S.Venkatesan

... Petitioner

Vs.

The Branch Manager,
Canara Bank,
Thiyagarajapuram Branch,
Vellore - 632 001.

.... Respondent

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to direct the respondent to extend three months time for redemption of jewels in jewel loan No.0988842024833.

For Petitioner : Mr.R.Margabandhu

For Respondent : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.

O R D E R

With the consent of both sides, this writ petition is taken up for final disposal. सत्यमेव जयते

2.The petitioner has come forward with the present Writ Petitions seeking for issuance of mandamus to direct the respondent to extend three months time for redemption of jewels in jewel loan Nos.0988842024833.

3.The petitioner's father Balavaradharaj had pledged 30soverigns (240grams) two gold coins each 120grams in the respondent bank on 23.09.2011 and availed agricultural loan of Rs.2,15,000/- in gold loan No.2234 of 2011 at the rate of 7%per annum. There was default in payment of loan amount. Earlier, the petitioner challenged the auction notice issued by the respondent/Bank dated 26.10.2015 from auctioning the jewels in

jewel loan No.0988842024833 in WP.No.35713 of 2016, the order dated 25.01.2016 of this Court, reads as follows :

"6. Considering the said submission, this Court is inclined to exercise discretion granting one last chance to the petitioners. Accordingly, the writ petitions are disposed of giving further time to the petitioners for a period of six weeks from the date of receipt of a copy of this order to make the entire payment as sought for by the respondent, failing which, it will be open to the respondent to proceed further as per law."

4.Thus, on earlier occasion, this Court granted six weeks time to make the payment, the petitioner was not in a position to make the payment due to the bank. Hence, filed the present writ petition to grant extension of time for three months to make the payment.

5.In my considered opinion, no legal ground is made out by the petitioner, already this Court has granted six weeks time for payment of loan amount, the same is not complied with and now the petitioner has filed this writ petition for extension of time for further three months, for making payments. The prayer made by the petitioner cannot be considered at this stage. Hence, the writ petition is liable to be dismissed, the same is dismissed accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Branch Manager,
Canara Bank,
Thiyagarajapuram Branch,
Vellore - 632 001.

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.16271

W.P.No.9269 of 2016

SV(CO)
CA(30/03/2016)