

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.3501 of 2016

14.09.2016

Between:

Naidu Nageswara Rao and another

..Petitioners

And

The Branch Manager, Corporation Bank,
Kakinada, East Godavari District and another

..Respondents

Counsel for the petitioners: Mr.M.Venkat Diwakar
for Ms.Aparna Kavulakuntla

Counsel for the respondents: Mr.Hanumantha Rao Bachina

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Feeling aggrieved by the demand notice, dated 21.05.2015, and the possession notice, dated 10.12.2015, issued by respondent Nos. 1 and 2 respectively, the petitioners filed this writ petition.

2. At the stage of admission, this Court, while ordering notice before admission on 18.02.2016, stayed further steps in pursuance of the impugned notices, subject to the petitioners depositing 50% of the outstanding liability on or before 18.04.2016.

3. Today, at the hearing, Mr.M.Venkat Diwakar, learned counsel representing Ms.Aparna Kavulakuntla, learned counsel for the petitioners, has submitted that in pursuance of the aforementioned conditional interim order, his clients paid Rs.6,42,627/- in respect of both the loan accounts viz., CHOMD No.1 of 2009 and CGSAN No.6 of 2013. After arguing the case, he has further submitted that his clients are willing to pay the balance amounts, if reasonable time is given.

4. Mr.Hanumantha Rao Bachina, learned standing counsel for the Corporation Bank appearing for the respondents, has submitted that if the petitioners are prepared to pay the entire balance amounts under the aforementioned two loan accounts, he has no objection for allowing them reasonable time for such payment.

5. In the aforementioned facts and circumstances of the case, the Writ Petition is disposed of in the following terms:

(1) The respondents shall not proceed with further steps such as sale of the secured assets in pursuance of the impugned possession notice for a period of three months, subject to the petitioners paying the entire balance amounts

under the aforementioned two loan accounts along with interest accrued as on the date of repayment within a period of three months from today;

(2) If payment is made as directed above, the respondents shall close the loan accounts; and

(3) Conversely, if the petitioners commit default in such payment, the respondents shall be free to sell the secured assets as per the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, for realizing the balance amounts under the aforementioned two loan accounts.

6. As a sequel to disposal of the writ petition, W.P.M.P.No.4481 of 2016 filed by the petitioners for interim relief shall stand disposed of.



C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

14th September, 2016
GHN