

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.39906 of 2015

ORDER: (per SK,J)

This writ petition was filed assailing the sale notice dated 10.11.2015 issued by the Canara Bank proposing to hold the auction of the secured asset on 16.12.2015.

By order dated 08.12.2015, this Court granted interim suspension of the impugned sale notice subject to the condition that the petitioner deposits a sum of Rs.4,00,000/- with the bank on or before 15.12.2015. This Court also made it clear that if it failed to deposit such amount, it was open to the bank to proceed with the auction as notified on 16.12.2015.

Admittedly, the petitioner failed to make the deposit of Rs.4,00,000/- on or before 15.12.2015. However, Ms.Bhagyasree learned counsel representing Mrs.S.Siva Kumari, learned counsel for the respondents, would concede that the bank did not choose to conduct the sale scheduled to be held on 16.12.2015.

That being so, challenge to the sale notice dated 10.11.2015 is rendered purely academic and does not warrant consideration on merits.

The writ petition is accordingly dismissed on this short ground. This order shall however not preclude the petitioner from availing appropriate remedies in accordance with law if and when a fresh cause of action arises.

Interim order dated 08.12.2015 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE GUDI SEVA SHYAM PRASAD

Date:24.07.2017

GJ