



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD].No.3243 of 2018
and
W.M.P (MD)No.3404 of 2018

Mrs.M.Palaniammal : Petitioner

vs.

1.The Authorized Officer,
Central Bank of India,
Karur Branch,
45/E/1, 2 Sengunthapuram Main Road,
Karur-639 002.

2.Central Bank of India,
Rep. By its Branch Manager,
Karur Branch,
45/E/1,2 Sengunthapuram Main Road,
Karur-639 002.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to the "E" Auction Sale Notice bearing No.BR/RECV/2017-18/dated 10.01.2018 published on 31.01.2018 fixing the date of sale on 16.02.2018 and quash the same and consequently direct the second respondent to accept the OTS amount from the petitioner in terms of their OTS letter dated 23.01.2018.

For Petitioner : Mr.S.Suresh
For Respondents : Mr.N.Dilip Kumar

O R D E R

Heard Mr.S.Suresh, learned counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned standing counsel appearing on behalf of the respondents Bank.

2.The petitioner is before this Court challenging the auction sale notice issued by the respondents Bank on account of the default committed by the petitioner in repayment of the loan.



3.It appears that the petitioner and her son has availed four loans from the respondents Bank, one of which, is a Banking credit. Since there is a default, the Bank initiated auction against the petitioner and her son for recovery. On that basis, the petitioner and her son offered One Time Settlement, which has been accepted in principle, subject to condition to be recorded in writing. Further, to enable the One Time Settlement, a proposal to settle the amount, the petitioner and her son were offered to pay an upfront amount at 25% and it was intimated in the communication sent by the bank dated 23.01.2018.

4.The petitioner is stated to have approached the respondents Bank on 14.02.2018 with Demand Draft but the Respondents Bank is set to have not received the same.

5.The learned counsel appearing for the respondents Bank would submit that the the OTS proposal, which has been offered by the Respondents Bank should be honoured in respect of all the loans and then only the Respondents Bank would be able to process the matter. Therefore, it is submitted that 25% of the each proposal, which have been given to the petitioner, should be honoured and then only, the Respondents Bank would be able to take forward the OTS and reduce the term settlement into write.

6.The learned counsel for the petitioner would submit that the petitioner is ready and willing to pay 25% of the OTS proposal in respect of three loans. In the light of the stand taken by the petitioner, there will be a direction to the petitioner as well as her son to pay 25% of the OTS proposal in respect of all the three loan within 31.03.2018, apart from that whatever is interest due are therein respect of taking the loan, the same also to be settled. If the petitioner complied with the above conditions, the respondent is directed not to proceed with the auction sale.

7.With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

+One cc to Mr.N.Dilip Kumar, Advocate, SR.No.49301

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RL/2C/2P/KK/SAR1/1/3/2018