

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 16365 of 2011

Date : 28.2.2018

Between:

Smt Tatipalli Manjula W/o late Sukh Sagar
39 years
R/o H NO. 12-189, Gouthaminagar,
Mancherial, Adilabad district

Petitioner

And

The Andhra Bank,
Rep by its Authorized Officer and Chief Manager
Camp Office at Kalyankhani
Zonal office, Karimnagar district and others

Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 16365 of 2011

ORAL ORDER:

Petitioner claims that he purchased open plot admeasuring 181.5 sq yards in survey No. 259, Mancherial village by way of registered sale deed dated 10.12.2007 from one Kishan Maru. It appears, Kishan Maru mortgaged this property to borrow money from Andhra Bank and later defaulted. The bank conducted auction of the said property to recover the money due to the bank. In the auction conducted, 4th respondent was the successful bidder by offering Rs.1,90,000/- and paid the entire sale consideration. At that stage, this writ petition was filed. According to petitioner as he has already purchased the property from the original owner much before the property was pledged, consequential steps taken by the bank are not valid in law.

2. However, during the pendency of the writ petition, petitioner and 4th respondent have come to an understanding whereunder petitioner agreed to pay the sale consideration paid by 4th respondent to the bank. In terms thereof, petitioner obtained Demand Draft bearing No.074798 dated 18.12.2017 for an amount of Rs.1,90,000/- drawn on Canara Bank. Though learned counsel for petitioner submits that memorandum of compromise entered into by petitioner and 4th respondent and signed by petitioner, 4th respondent and their respective counsel is filed vide USR No. 40915 of 2017, when the same was called, it is seen that memorandum does not contain signatures of parties as well as counsel and was returned on 3.1.2018 to comply with objection. Smt Tatipalli Manjula-petitioner and Sri Danekula Vengal Rao-4th respondent are present in Court and they are identified by their respective counsel. Petitioner and 4th respondent have also submitted copies of self attested Aadhar cards and the same are taken on record. On enquiring from them, both of them have

admitted to resolving the dispute. The original demand draft is handed over to the learned counsel appearing for 4th respondent. In turn the same was handed over to 4th respondent. In view of the settlement arrived at 4th respondent agree that bank shall return the original documents of the subject property to the petitioner. The original documents brought to the Court by the officer of the bank, are handed over to learned counsel for 4th respondent and in turn he has handed over the same to learned counsel appearing for petitioner.

3. In view of the resolution of the dispute by the parties, the writ petition is disposed of as no further orders are required. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE : 28.2.2018
TVK



P NAVEEN RAO,J

HONOURABLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No. 16365 of 2011

Date : 28.2.2018