

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.36796 OF 2018

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

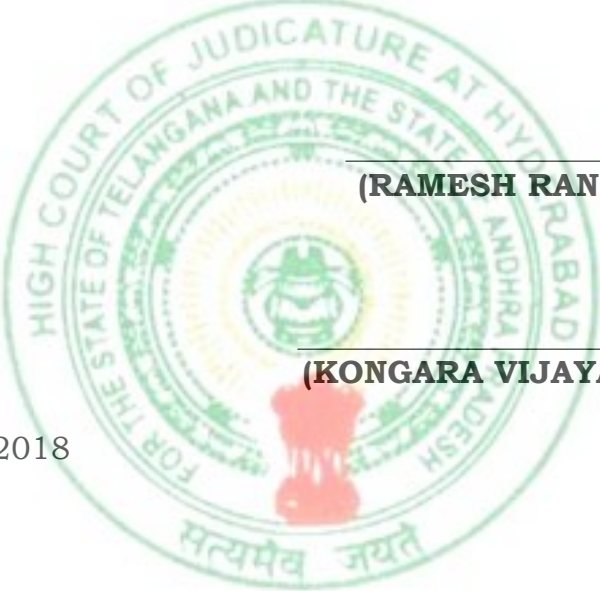
After arguing for some time, Sri T.V.S.Prabhakar Rao, learned counsel for the petitioner, would draw our attention to the affidavit filed by the petitioner undertaking to repay the entire balance amount due in three instalments within a period of six months. Sri B.S.Prasad, learned Standing Counsel for the respondent-Bank, would place before us a copy of the letter addressed by the petitioner to the respondent-Bank on 28.09.2018 agreeing to pay the entire dues by 08.10.2018; and, in case of default, to hand over the house, on his own, to the Bank on 09.10.2018.

While fairly stating that such a letter was addressed to the respondent-Bank by the petitioner on 28.09.2018, Sri T.V.S.Prabhakar Rao, learned counsel for the petitioner, would seek indulgence of this Court for grant of further time of six months to repay the entire amount due.

This Court, in the exercise of its jurisdiction under Article 226 of the Constitution of India, would not undertake the exercise of either rescheduling the debt, or to take over the functions of the Bank, in permitting the borrowers to repay the amounts in instalments. These are all matters for the Bank to consider, and not for this Court to direct. In the light of the letter addressed by the petitioner, voluntarily undertaking to hand over his house on 09.10.2018 in case he failed to repay the debt, it would be wholly

inappropriate for this Court to now accede to the request of the petitioner for grant of six months' time to repay the amounts due. While we see no reason to interfere with the action taken by the respondent to recover possession of the subject property, suffice it to make it clear that this order shall not disable the petitioner from approaching the Bank, and for the Bank to consider the petitioner's request in accordance with law.

Subject to the above observations, the Writ Petition fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.



(RAMESH RANGANATHAN, J)

(KONGARA VIJAYA LAKSHMI, J)

10th October 2018
RRB