

O.A.No.1053 of 2019
in C.S.No.282 of 2004

M.SUNDAR, J.

Plaintiffs in the main suit have taken out the instant application arraying the sole defendant in the main suit as the lone respondent herein. Parties in the instant application shall hereinafter be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

2. The main suit is for redemption of mortgage and obviously, the plaintiffs are mortgagors and the sole defendant, which this Court is informed is a State Financial Corporation is the mortgagee. Pending mortgage redemption suit, an e-auction notice dated 28.11.2019 came to be issued by the mortgagee (defendant) and that has necessitated the filing of instant application.

3. Ms.Vasudha Thiagarajan, learned counsel for plaintiffs and Mr.M.J.Jaseem Mohammed, learned counsel for sole defendant are before this Court.

4. Learned counsel for defendant has placed before this Court an order dated 16.09.2019, made by a Hon'ble single Judge of this Court in W.P.No.34177 of 2007. Adverting to this order, where the sole defendant

was permitted to conduct e-auction with a caveat to not to confirm, learned counsel for defendant submits, on instructions, that auction was held on 28.11.2019, but there were no bidders when the hammer went down. In other words, the hammer went down with no bidders. This puts an end to the anxiety of the plaintiffs qua instant application.

5. This Court is informed that pleadings are complete in the main suit.

6. Issues will be framed in the ensuing week and both learned counsel submit that trial can be completed in three months. Therefore, the defendant/mortgagee shall await outcome of the suit and not issue any fresh auction notice, without leave of this Court, till disposal of the main suit. If the suit is not concluded within three months, it is open to the defendant to seek leave of this Court in this regard and if that scenario unfurls, the request shall be considered on its own merits and in accordance with law.

7. This application is disposed of with the above directive and observations.

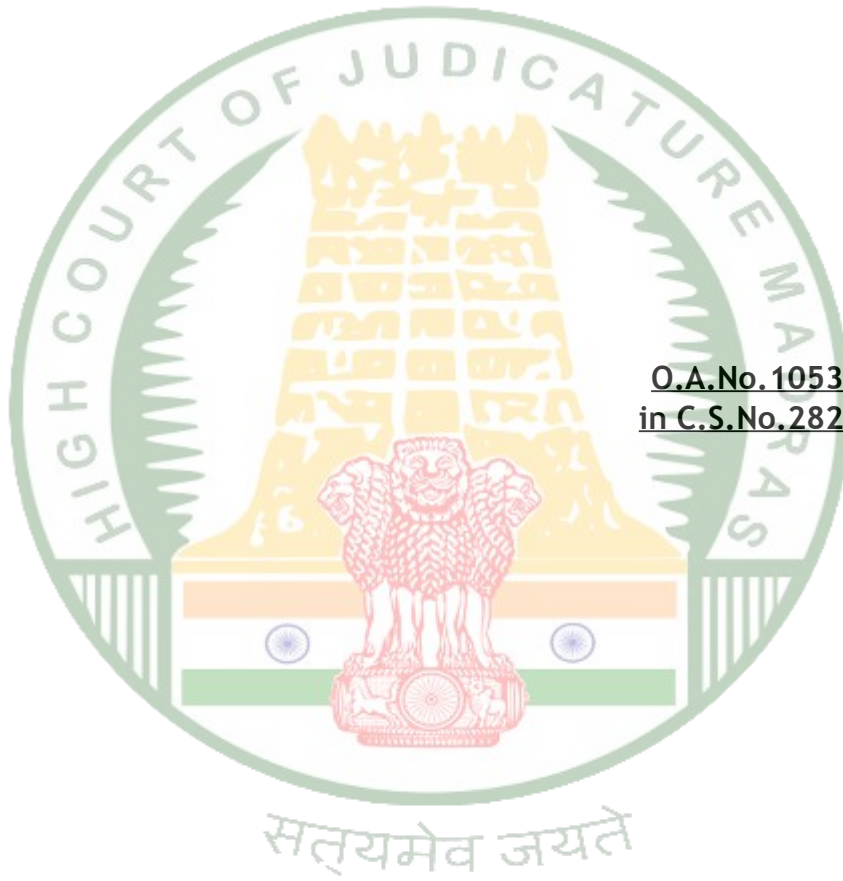
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