

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.11084 OF 2019

ORDER: *(Per Hon'ble Sri Justice V. Ramasubramanian)*

The petitioner has come up with the above writ petition challenging a sale notice issued by the 1st respondent bank under the Security Interest (Enforcement) Rules, 2002.

2. Heard Ms. P. Hamsa Durga, learned counsel for the petitioner and Smt. V. Dyumani, learned counsel for the 1st respondent bank.

3. The case of the petitioner is that the 2nd respondent borrowed money from the petitioner also and upon his failure to repay, the petitioner filed a suit and obtained an order of attachment and that therefore the bank should not proceed.

4. But, unfortunately the order of attachment appears to be subsequent to the date of the mortgage. Therefore, there is nothing that can be done about the impugned auction sale notice.

5. In any case, the auction is slated to be held today. The petitioner has an effective alternative remedy before the Tribunal.

6. Therefore, leaving it open to the petitioner to go before the Tribunal, this writ petition is dismissed. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

V. RAMASUBRAMANIAN, J

P. KESHA VA RAO, J

June 07, 2019
Mgr

