

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.11192 OF 2019

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

Challenging the refusal of the Tribunal to grant stay of an auction sale, the Guarantor whose property has been given as security, has come up with the above writ petition.

2. Heard Mr. K. Buchi Babu, learned counsel for the petitioner. Ms. C. Rama Kumari, learned counsel, takes notice for the 1st respondent bank.

3. It is seen from the impugned order that the bank issued possession notices way-back in the year 2016 and they were made the subject matter of challenge in appeals before the Tribunal. Subsequently, attempts to sell the property were made and they were made the subject matter of the challenge in appeals filed in the year 2018. But, the conditional orders passed in those cases, were not complied with by the petitioner, forcing the bank to issue a fresh auction notice. This auction notice was challenged in a fresh appeal and the Tribunal refused to stay the same due to the past conduct on the part of the petitioner.

4. We see no reason to interfere with the order of the Tribunal. After taking conditional orders of stay on the previous occasion, the petitioner failed to comply with the same. Therefore, the Tribunal was

right in thinking that there is no point in granting either conditional or unconditional order.

5. Hence, the Writ Petition is dismissed. All the points that the petitioner has raised may be raised at the time of final disposal of the appeal. 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 10, 2019
Mgr

