

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 28014 of 2019

ORDER:

In this Writ Petition, petitioner challenges sale notice dated 14.11.2019 issued by the second respondent – Deputy Registrar/Officer on Special Duty, District Cooperative Central Bank Limited, Khammam, for auctioning the subject property in relation to the proceedings in E.P.No.49/2019-20, on the ground that he has failed to pay the loan amount to the District Central Cooperative Bank, Illandu.

Though learned counsel for petitioner has raised various grounds, including the fact that the value of the subject property is about Rs.18.00 lakhs to Rs.20.00 lakhs, in order to reconcile the matter between the parties, this Court asked the learned counsel for the petitioner to suggest his client to pay the decretal amount. However, he prays for grant of instalments to the petitioner for satisfying the decree.

Learned Standing Counsel for the District Cooperative Central Bank Limited appearing for respondent Nos.2 and 3 would leave the issue to this Court to exercise its discretion in granting instalments to the petitioner.

In those circumstances, this Writ Petition is disposed of with the following order:

1. The petitioner shall pay 50% of the decretal amount within four (4) weeks from today and balance 50% within four (4) weeks thereafter, in default of which, the respondents shall be entitled to execute the proceedings in E.P.No.49/2019-20 without further reference to this Court.
2. The petitioner shall bear in mind that non-adherence to the aforesaid direction shall be considered as violative of the order of this Court and he shall be liable to be proceeded with under the provisions of the Contempt of Courts Act, 1971.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

20th DECEMBER, 2019.

Note: issue c.c. today.

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