

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2555 of 2019

ORDER:

When the matter is taken up for hearing, it has been contended by the learned counsel for the petitioner that the petitioner owns an old tiled house in an extent of 226.70 sq. yards and after demolishing the said house, she has gifted an extent of Ac.143.31 sq. yards of land to the 6th respondent, who is the son of the petitioner, so as to enable him to obtain loan. The 6th respondent has approached the 5th respondent Society and obtained a loan of Rs.3,00,000/- during the year 2005 and later on, the petitioner as well as the 6th respondent have been paying the installments. However, owing to certain difficulties, the petitioner could not pay the loan amount.

2. Learned counsel further contended that the respondents have demanded an amount of Rs.1,13,100/- as on 01.04.2008. The petitioner has challenged the action of the respondents in proceeding with the sale of the property by way of public auction.

3. This Court was pleased to grant interim direction on 11.02.2019 directing the petitioner to deposit Rs.1,13,100/- and also to deposit additional amount of Rs.2,00,000/- within ten days.

4. Learned counsel for the petitioner had submitted that the respondents be directed to consider the case of the petitioner under one time settlement and that the petitioner would avail the opportunity and pay the balance loan amount.

5. Learned Standing Counsel appearing for respondent Nos.2 and 3 had contended that if the petitioner submits an application seeking onetime settlement of the entire loan amount, the respondents would consider the same and pass appropriate orders.

6. This Court, having considering the submission made by the learned counsel for the respective parties, is of the considered view that the writ petition can be disposed of directing the petitioner to submit a fresh representation, seeking to extend the benefit of one time settlement, within two months from the date of receipt of a copy of this order. Upon such a representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within four weeks thereafter. It is needless to say, if the petitioner pays the loan amount in terms of the one time settlement offered by the respondents, the respondents shall release the documents in favour of the petitioner.

7. With these observations, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

10th February 2020

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