



WEB COPY

W.P.(MD)No.8505 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.8505 of 2022

and W.M.P.(MD) Nos.6241 and 6242 of 2022

S.Sampath Kumar

... Petitioner

Vs.

1.The Authorized Officer,
City Union Bank Limited,
Credit Recovery and Management Department,
Narayana, Administrative Office,
No.24-B, Gandhi Nagar,
Kumbakonam - 612 001.

2.The Branch Manager,
City Union Bank Ltd.,
SIGC Campus Branch,
No.23, Kaliyamman Kovil Street,
Trichirapalli - 620 002.

3.G.Rasu

4.M.Karthikeyan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the sale confirmation order dated 19.04.2022 issued by the 1st respondent bank and quash the same, consequently extent the time for payment of 1st installment for period of four weeks from 18.04.2022 to 16.05.2022 in order dated 18.03.2022 passed in I.A.No.618 of 2022 in S.A.No.177 of 2022, on the file of DRT, Madurai.

For Petitioner : Mr.P.Thirumahilmaran

For Respondents 1 & 2 : Mr.R.Pandivel
Standing Counsel

For Respondents 3 & 4 : No appearance



ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The petitioner has filed the writ petition, challenging the sale confirmation order dated 19.04.2022 issued by the 1st respondent bank and consequently to extend the time for payment of 1st instalment for a period of four weeks from 18.04.2022 to 16.05.2022 granted in the order dated 18.03.2022 passed in I.A.No.618 of 2022 in S.A.No.177 of 2022, on the file of DRT, Madurai.

2. The petitioner states that he has offered his dwelling house as security for the loan and he is just a guarantor.

3. Learned Standing Counsel for the respondents 1 and 2 submits that the confirmation order dated 19.04.2022 has to be withdrawn as the purchaser has withdrawn from his offer. In view of the same, the prayer sought for in the writ petition has become infructuous. Therefore, the Writ Petition is dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

4. Learned counsel for the petitioner, however, states that pursuant to the conditional order passed by this Court, the petitioner has deposited a Demand Draft for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with the respondent bank on 29.04.2022. As regards his undertaking to pay the further sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only), it is stated that the petitioner has paid a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) on 16.05.2022 and a further sum of Rs.3,00,000/- (Rupees Three Lakhs only) on 25.05.2022.

5. Learned counsel for the petitioner states that the petitioner may be given further time so that he will negotiate with the officials of the bank and discharge the entire loan.

6. This Court is unable to give any further direction without hearing the bank and get their version in the form of a counter affidavit. As on date, the prayer in the writ petition has become infructuous and no further adjudication is necessary. However, the action of the petitioner in depositing the amount due pursuant to the directions of this Court will be considered by the respondent bank as a good gesture.

7. The respondent shall consider any reasonable proposal submitted by the petitioner, if the petitioner submits such one within a period of two weeks from the date of receipt of a copy of this order, the respondent shall pass appropriate orders on the proposal submitted by the petitioner before taking further action towards sale of the property.



8. From the facts narrated, it is seen that a substantial portion of the amount has been paid by the petitioner. Therefore, we expect proper consideration by the bank, as the petitioner appears to be a bonafide guarantor and prepared to settle the dues on his own, with the little concession which is being extended to other individual borrower when the account is declared as 'NPA'.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

+1 CC to M/s.P.THIRUMAHILMARAN, Advocate (SR-24493[F] dated 07/06/2022)

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MGJ(14.06.2022) 3P 2C