



W.P(MD)No.28528 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.28528 of 2022
and
WMP(MD)No.22535 of 2022

S.Bright Singh

... Petitioner

vs.

1. The Authorised Officer,
The Karur Vysya Bank Ltd.,
Marthandam Branch,
D.No.1/29, Main Road,
Pammam, Marthandam,
Kanyakumari District.
Having its Registered Office
at Erode Road, Karur-639 002.

2. The Karur Vysya Bank Ltd.,
Asset Recovery Branch,
Near Mattuthavani Bus Stand,
Madurai-625 107.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, for issuance of a Writ of Certiorari, calling for the



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records relating to the impugned E-Auction Sale Notice issued by the respondents in Ref.KVB/ARBMDU/AUC/BRIGHT/01/2022-23 dated 05.12.2022 and quash the same.

For Petitioner : Mr.S.Bharathy Kannan
For Respondents : Mr.R.Pandivel, standing counsel

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

Challenging the E-Auction Sale Notice dated 05.12.2022, the petitioner has filed this writ petition.

2. By consent of parties, the writ petition is taken up for final disposal.

3. On 20.12.2022, when the writ petition came up for hearing, learned counsel for the petitioner sought time to file an affidavit for paying a sum of Rs.8,00,000/- on or before 31.12.2022 and the remaining outstanding amount in four equated monthly



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3. Today, when the writ petition was taken up for hearing, learned counsel for the petitioner has produced the undertaking affidavit dated 21.12.2022 filed by the petitioner, wherein, the petitioner undertakes to pay the amount of Rs.8,00,000/- to the respondents Bank on or before 31.12.2022. As far as the payment of remaining outstanding amount is concerned, learned counsel for the petitioner submitted that the petitioner will pay the remaining outstanding amount to the respondents in three equated monthly instalments commencing from January 2023.

4. The aforesaid undertaking affidavit dated 21.12.2022 is served to the learned counsel for the respondent, who submitted that he has no objection for the aforesaid payment schedule, but however, submitted that liberty may be granted to the respondents to proceed against the petitioner in case of default in payment of any one of the above instalments.



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5. Recording the undertaking affidavit dated 21.12.2022 of the petitioner and the submissions made on either side, we direct the petitioner to pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) to the respondents on or before 31.12.2022 and thereafter to pay the remaining outstanding amount in three consecutive equal monthly instalments, of which, the first instalment shall be paid on or before 31.01.2023, 2nd instalment shall be paid on or before 28.02.2023 and the last instalment shall be paid on or before 31.03.2023. Till such time, no coercive action shall be taken against the petitioner by the respondents. If the petitioner commits default in payment of the amount in any one of the aforesaid instalments, the respondents Bank is at liberty to proceed further in accordance with law.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K.,J.] & [R.V.,J.]
22.12.2022

Index : Yes / No
Internet : Yes

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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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DATED : 22.12.2022