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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Tuesday, the Fourteenth day of February
Two Thousand and Twenty Three
PRESENT
The Hon`ble Mr.Justice D.KRISHNAKUMAR
AND
The Hon`ble Mrs.Justice L. VICTORIA GOWRI

WMP(MD). No.139 of 2023
in
WP(MD)No.22095 of 2022

Fathima Beevi ... Petitioner/Petitioner

Vs

1 City Union Bank
Manapparai Trichy District
Rep. by its Branch Manager.

2 The Authorized Officer
City Union Bank Limited,
Credit Recovery and Management Department
Administrative Office No. 24-B
Gandhi Nagar,
Kumbakonam 612 001
Thanjavur District. ... Respondents/Respondents

Prayer :-
Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, To pass order to Modify the order in WP (MD).No. 22095 of 2022 dated 19.09.2022 and consequentially direct the respondents to release the petitioners mother-in-laws original title deed document No.1001/2004 dated 19.04.2004 to her and grant four weeks time to pay the balance amount and pass such further or other orders as this Hon'ble Court.

Prayer in WP(MD). 22095/ 2022 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned Auction Sale Notice issued by the 2nd respondent bank dated 18.08.2022 and quash the same as illegal and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.Haja Mohideen

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Advocate for the Petitioner and of Mr.N.Dilip Kumar Advocate for the 1st and 2nd Respondents, this Court made the following order:

This petition has been filed by the petitioner to modify the order passed in W.P(MD)No.22095 of 2022 dated 19.09.2022 and consequently direct the respondents to release the petitioner's mother-in-law's original title deed document No.1001/2004 dated 19.04.2004 to the petitioner and grant four weeks time to pay the balance amount.

2. We are not satisfied with the reasons stated by the petitioner in the supporting affidavit for directing the respondents to release the petitioner's mother-in-law's original title deed document No.1001/2004 dated 19.04.2004.

3. However, learned counsel for the petitioner prayed that the petitioner may be permitted to pay the remaining outstanding amount as on date within a period of one month.

4. Learned counsel for the respondent Bank has no serious objection for the aforesaid payment schedule. However, he submitted that in case of non payment of the remaining outstanding amount within the said time frame, liberty may be given to the respondent Bank to proceed further in accordance with law.

5. Recording the aforesaid submissions, the petitioner is directed to pay the remaining outstanding due as on date on or before 13.03.2023. Till such time, the respondent Bank shall not take any coercive action against the petitioner. If the petitioner fails to pay the amount within the aforesaid stipulated time, it is open to the respondent Bank to proceed further in accordance with law.

6. With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

TO

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

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+ 1 cc to Mr.Dilipkumar Advocate CA Sr.No.8420/2023

+1CC to Mr.A.Haja Mohideen,Advocate, SR.No. 8123 dated 14.02.2023

ORDER DATED : 14/02/2023

ORDER

WMP(MD). No.139 of 2023
in
WP(MD)No.22095 of 2022
Giving direction and etc.
as stated within.

KB(23.02.2023) 3P 4C

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