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Rev.Application Writ (MD)Nos.14 and 21 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

Rev.Application Writ (MD)No.14 of 2023 &
W.M.P.(MD)No.429 of 2023
and
Rev.Application Writ (MD)No.21 of 2023

(Heard through VC)

Rev.Application Writ (MD)No.14 of 2023

M.Sheik Ahamed

.. Petitioner

Versus

1.Tamil Selvi

2.The Debts Recovery Tribunal,
Madurai.

3.The Reserve Bank of India,
No.6, Rajaji Road,
Fort St. George, Chennai.

4.The Chief Manager & Authorized Officer,
UCO Bank, (Government of India Undertaking),
Palani Branch,
Dr.Thirumalai Plaza,
82-A, New Dharapuram Road,
Palani, Dindigul District.

.. Respondents

PRAYER: Review Application filed Petition filed under Order 47 Rule 1 and Section 114 of CPC to review the order passed in W.P.(MD)No.27115 of 2022, dated 01.12.2022.



Rev.Application Writ (MD)Nos.14 and 21 of 2023

For Petitioner : Mr.Jinnah SMA
For Respondents : Mr.S.Karthik for R-1

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Rev.Application Writ (MD)No.21 of 2023

The Chief Manager & Authorized Officer,
UCO Bank, (Government of India Undertaking),
Palani Branch,
Dr.Thirumalai Plaza,
82-A, New Dharapuram Road,
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4.M.Sheik Ahamed

.. Respondents

PRAYER: Review Application filed Petition filed under Section 114 r/w Order 47 of CPC to review the order passed in W.P.(MD)No.27115 of 2022, dated 01.12.2022.

For Petitioner : Mr.K.Periasamy
For Respondents : Mr.S.Karthik for R-1
Mr.Jinnah SMA for R-4

* * *



COMMON ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

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The petitioner in Rev.Application Writ (MD)No.21 of 2023 is the UCO Bank, whereas the petitioner in Rev.Application Writ (MD)No.14 of 2023 is the auction purchaser. They have come up with these review applications to review the order dated 01.12.2022 passed by this court in W.P.(MD)No.27115 of 2022.

2. According to the learned counsel for the petitioner in both the review applications, pursuant to the e-auction, the review petitioner was declared as the successful bidder; following the same, he was issued with a sale certificate on 07.09.2022 and a sale deed was also executed in his favour on 22.09.2022. However, without issuing any notice, the writ petition in WP.(MD)No.27115 of 2022 filed by the first respondent herein to quash the e-auction sale notice dated 11.08.2022, was disposed of, on 01.12.2022, in the following terms:

"14. Today, when the matter was taken up for admission, the learned counsel for the petitioner submitted that the petitioner is ready to pay 20% of the entire outstanding amount, as on date, on or before 05.01.2023 and after deducting the said payment, the entire remaining outstanding amount in six consecutive equal monthly installments, for which, the learned Standing Counsel for the 3rd respondent is agreeable, however, with liberty to the 3rd respondent to proceed against the petitioner in case of default in payment of any one of the installments.

15. Recording the above submissions, the Writ Petition is disposed of directing the petitioner to pay 20% of the entire outstanding amount, as on date, on or before 05.01.2023 and after deducting the said payment, the entire remaining outstanding amount in six consecutive equal monthly installments. The first installment shall be paid on or before 05.02.2023 and the subsequent five installments shall be paid on or before the 5th day of every English Calendar month, until the entire payment is made. Till such



time, the 3rd respondent shall not take any coercive action against the petitioner. If the petitioner fails to make any one of the above installments, the respondent may proceed further in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed."

Therefore, the learned counsel sought to review the aforesaid order passed by this court.

3. On the other hand, the learned counsel appearing for the writ petitioner/first respondent would submit that due to unavoidable reason, the writ petitioner was unable to comply with the order passed by this court in the writ petition. The learned counsel further submitted that the writ petitioner is now, ready to make necessary payment, however, the officials of the UCO Bank are not accepting the same and hence, necessary directions may be given to the UCO Bank. It is also submitted that the petition seeking extension of time has already been filed, but the same is yet to be numbered.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. It is seen that pursuant to the e-auction notice dated 11.08.2022 conducted by the bank, the petitioner in Rev.Appln(MD)No.14 of 2023 was declared as successful bidder; consequently, sale certificate was issued in his favour on 07.09.2022; and the sale deed was also issued on 22.09.2022. It is also seen that the



writ petitioner has not complied with the order of this court dated 01.12.2022 passed in the writ petition, which is sought to be reviewed in these petitions; and there was a specific clause in the said order that in the event of the writ petitioner fails to make any one of the instalments, the respondent Bank may proceed further in accordance with law. Such being the present position, this court grants liberty to the respective parties to work out their remedies before the Debt Recovery Tribunal in the manner known to law.

6. Accordingly, both the review applications stand disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
08.08.2023

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation: Yes / No

To

- 1.The Debt Recovery Tribunal,
Madurai.
- 2.The Reserve Bank of India,
No.6, Rajaji Road,
Fort St. George, Chennai.



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R. MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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