



W.P.(MD) No.4420 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P.(MD) No.4420 of 2023
and WMP(MD) No.4155 of 2023**

S.Thirumalai

... Petitioner

-VS-

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

2.The Branch Manager,
City Union Bank Ltd.,
Puliyangudi Branch
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a
Writ of Certiorari to call for the records relating to the impugned proceedings of



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WEB COPY the 1st respondent dated 21.02.2023 in C.O/REC/NPA/2022-2023 and quash the same.

For Petitioner : Mr.V.Sasikumar
For Respondents : Mr.R.Pandivel

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

Challenging the proceedings of the 1st respondent dated 21.02.2023, the petitioner is before this Court.

2. It is brought to the notice of this Court that since there is no Presiding Officer at Debts Recovery Tribunal at Madurai and the Debts Recovery Tribunal, Coimbatore is given additional charges, the petitioner is before this Court.

3. Learned counsel for the petitioner would submit that after borrowing a sum of Rs.15,50,000/- in the year 2014, till date, the petitioner has cleared a sum of more than Rs.6 lakhs. As per the sale notice dated 21.2.2023, the balance as on today comes to a sum of Rs.9,29,216/-. The learned counsel would submit that to



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show his bonafide, the petitioner is prepared to pay Rs.2,50,000/-.

3. In reply, the learned standing counsel for the respondents would fairly submit that if the petitioner is inclined to pay Rs.3 lakhs on or before 25.03.2023 with a further undertaking that the balance amount shall be cleared within three months time, the impugned sale notice will be kept in abeyance and after clearing the dues, the mortgaged property/sale deeds will be returned to the petitioner.

4. Recording the same, since the petitioner agreed to pay a sum of Rs.2.5 lakhs, he is directed to pay a sum of Rs.3,00,000/- (Rupees three lakhs only) on or before 25.03.2023. On such payment, the respondents shall defer the public auction as proposed in the sale notice dated 21.02.2023. We also record the statement made by the learned counsel for the petitioner that the balance amount will be cleared within a period of three months time in three equated monthly instalments. Therefore, the respondent bank, on receipt of a sum of Rs.3,00,000/- (Rupees three lakhs only) on or before 25.03.2023, shall keep the impugned auction sale notice in abeyance enabling the petitioner to clear the balance amount on or before 25.06.2023 in three equated instalments. Needless



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WEB COPY to mention that if there is any default, the respondent bank can proceed further.

5. The writ petition is disposed of with the above direction. No costs.

Consequently connected Miscellaneous Petition is closed.

[T.R., A.C.J.] [D.K.K, J.]
02.03.2023

NCC : Yes / No
Index : Yes / No
RR



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THE HON'BLE THE ACTING CHIEF JUSTICE
and
D.KRISHNAKUMAR, J.

RR

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