

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.6149 of 2023

and

WMP(MD)No.5865 of 2023

Mrs.Palanivelammal Ramaiah

... Petitioner

vs.

1. The Authorised Officer,
Hdfc Bank Ltd.,
Sri Nithyakalani Towers,
No.34, Krishnarayar Tank Street,
2nd Floor, North Veli Street,
Madurai 625 001.

2. The HDFC Bank Ltd.,
241, Samba Street,
Tenkasi 627 811.

3. The HDFC Bank Ltd.,
Ground, 1, 2 & 3rd Floor,
No.49/50, Nelson Manickam Road,
Aminjikarai, Chennai 600 029.

4. The HDFC Bank Ltd.,
Registered Office, HDFC House,
Senapati Marg, Lower Panel (West),
Mumbai 400 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned sale notice dated 24.02.2023 on the file of the 3rd respondent, fixing auction sale on 28.03.2023 at the place of the 1st respondent and quash the same as illegal.

For Petitioner : Mr.V.Jayachandran
For Respondents : Mr.B.Rajesh Saravanan
Standing Counsel

ORDER

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

Sale Notice is under challenge. Sale is to be held today.

2. Considering the fact that the secured asset is the residential house of the petitioner, we find that it will be appropriate to give an opportunity to the petitioner to liquidate the debt.

3. In view of the above, the Writ Petition is disposed of in the following terms:-

(i) The Bank can proceed with the sale.

(ii) The Bank shall not confirm the sale, if the petitioner pays a

sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) on or before 20.04.2023.

(iii) The remaining amount shall be paid in five equal monthly instalments, of which, the first instalment shall be paid on or before 20.05.2023 and the subsequent instalments shall be paid on or before the 20th day of succeeding months.

(iv) The interest that accrues during the interregnum and the sale expenses shall be paid along with the last instalment.

(v) In the event of any default in payment of the money as directed above, the Bank can proceed to confirm the sale.

(vi) This order will not prevent the Bank from accepting the one time settlement given by the petitioner.

No costs. Connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
28.03.2023

Index : Yes / No
Internet : Yes
Neutral Citation : Yes / No
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.6149 of 2023
DATED : 28.03.2023