



W.P.(MD) No.6218 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2023

CORAM:

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

W.P.(MD) No.6218 of 2023
and
W.M.P.(MD) No.5916 of 2023

G.Chitra

... Petitioner

-VS-

The Authorised Officer
Repco Home Finance Limited
New T.S.No.67, Door No.24
11th Cross, Ram Arcade
Thillai Nagar, Trichy-620 018

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the impugned E-Auction sale notice dated 18.02.2023, issued by the respondent, quash the same as illegal.



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For Petitioner : Mr.A.S.Abul Kalam Azad

For Respondent : Mr.R.Sivakumar, Standing Counsel

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.R.Sivakumar, learned Standing Counsel, takes notice for the respondent – Bank.

2. The sale notice, dated 18.02.2023, issued by the respondent – Bank, is under challenge in this writ petition.

3. The amount due is Rs.71,11,000/- (Rupees seventy one lakhs and eleven thousand only).

4. Learned counsel for the petitioner would submit that the petitioner is ready to liquidate the loan, if sometime is given. He would also offer to pay 25% of the amount due upfront.



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5. Learned Standing Counsel appearing for the respondent – Bank would submit that the petitioner has been given enough and more time and the petitioner has not come forward to pay the loan amount.

6. Considering the overall circumstances, the respondent – Bank can go ahead with the sale, but it shall not confirm the sale, if the petitioner pays a sum of Rs.28,00,000/- (Rupees twenty eight lakhs only) to the respondent – Bank, on or before 13.04.2023.

7. The balance amount shall be paid by the petitioner in four equated monthly installments commencing from May, 2023. The monthly instalments shall be paid on or before 20th of every succeeding month.

8. The interest payable for the interregnum period and the cost of the sale shall be paid along with the last installment.

9. The respondent – Bank can proceed to confirm the sale, if there is a default in payment of any one of the monthly installments.

10. It is open to the petitioner to seek one time settlement.



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11. The writ petition is disposed of with the above directions,. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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