



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Twenty Sixth day of April Two Thousand and Twenty Three

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PRESENT

**The Hon`ble The ACTING CHIEF JUSTICE
AND
The Hon`ble Mr.Justice R.SUBRAMANIAN**

WMP(MD) . No.7466 of 2023
in
WP(MD)No.28268 of 2022

T.Vijayakumar

... Petitioner/Petitioner

Vs

1 The Authorized Officer
Tamil Nadu Mercantile Bank Limited
Karungal Branch
Marthandam Highway Road
Karungal
Kanyakumari District

2 V.Varghese, ... Respondent/Respondent
(R2 is Impleaded Vide Court Order Dated
20.02.2023 made in WMP(MD)No.2726/2023)

Prayer in WMP(MD) . No.7466 of 2023

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, to extend the time mentioned in W.P.(MD) No.28268 of 2022 dated 20.02.2023 to further period of fifteen days to comply with the order passed in the above writ petition.

Prayer in WP(MD) . 28268/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue of Writ of Certiorari to call for the records pertaining to the impugned Sale Notice, dated 07.11.2022, No.Nil, issued by the respondent herein and quash the same as illegal.

ORDER:- This 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.C.Kishore Advocate for the Petitioner and of Mr.N.Dilip Kumar, Advocate for the 1st Respondent, and of Mr.T.Selvakumaran , Advocate for the 2nd Respondent this Court made the following order:

<https://www.mhc.tn.gov.in/judis>



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

This miscellaneous petition has been filed by the petitioner seeking fifteen days time to comply with the order dated 20.02.2023, passed by this Court in W.P.(MD) No.28268 of 2023.

2. Learned counsel for the petitioner submitted that the amount outstanding is Rs.10,53,782/- (Rupees ten lakhs fifty three thousand seven hundred and eighty two only) and if one day time is granted, the petitioner will pay the same to the respondent - Bank and will pay the interest for the sale consideration paid by the auction purchaser, within a period of two weeks.

3. Learned counsel appearing for the respondent - Bank submitted that the amount due is Rs.13,38,014/-.

4. The petitioner is granted two weeks time from today to pay interest for the sale consideration paid by the auction purchaser, if he pays the due amount of Rs.13,38,014/- (Rupees thirteen lakhs thirty eight thousand and fourteen only) to the respondent - Bank on or before 28.04.2023 by 05.00 p.m.

5. It is submitted that the petitioner and the auction purchaser are cousin brothers. In view of such peculiar circumstances, the interest for the sale consideration is fixed at six percent per annum.

6. It is needless to mention that the sale consideration paid by the auction purchaser shall be refunded to him on the petitioner paying the dues to the bank and the interest payable to the auction purchaser as directed above.

7. Learned counsel for the respondent - Bank undertakes that he will file a memo before the Debts Recovery Tribunal, Madurai, to withdraw O.A.No.584 of 2022, after the above settlement is over.

8. This miscellaneous petition is ordered accordingly.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)



TO

1. The Authorized Officer
Tamil Nadu Mercantile Bank Limited Karungal
Branch Marthandam Highway Road Karungal
Kanyakumari District

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2. V.Varghese,
S/o.Varuvel. D.NO.2/7B1, Kaikavilagam,
Udhayamarthandam,
Vilavancode,
Kanyakumari District - 629 178

+ 1 CC to Mr.C.Kishore Advocate CA Sr.No.24290/2023

+ 1 CC to Mr.N.Dilip Kumar Advocate CA Sr.No.24475/2023

ORDER DATED : 26/04/2023

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ORDER
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WMP(MD) . No.7466 of 2023
in
WP(MD)No.28268 of 2022

Giving direction and etc.
as stated within.

MK/08.05.2023 3P 5C