



W.P.(MD) No.8368 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.04.2023

CORAM:

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

**W.P.(MD) No.8368 of 2023
and
W.M.P(MD)No.7709 of 2023**

Beulaja Carolin

... Petitioner

-VS-

The Authorized Officer,
Canara Bank,
P.B.No.21-37-L, 1st Floor,
Vasantham Main Road,
Thuckalay,
Kanyakumari District.

... 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 sale notice
dated 09.09.2023 issued by the respondent.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.C.Deepak, Standing Counsel



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ORDER

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

Mr.C.Deepak, Standing Counsel, takes notice for the respondent – bank.

2. Challenge in this writ petition is to the sale notice issued by the respondent, dated 09.09.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner would be able to liquidate the entire debt if some time is granted. He would also cite the fact that the loan was for the purpose of running a retail business and it was seriously affected due to lock down.

4. Learned Standing Counsel for the respondent – bank, would submit that the total outstanding as on 06.03.2023 is Rs.58,93,318.68/-. The petitioner has been given a long rope and if at all there should be any indulgence to be shown to the petitioner, it should be only on terms.



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5. Considering the surrounding facts, we are of the opinion that the petitioner's request is genuine. Hence, this writ petition is disposed of with the following directions:

(i) The Bank shall not proceed with the sale, if the petitioner pays a sum of Rs.15,00,000/-(Rupees Fifteen Lakhs Only) on or before 13.05.2023.

(ii) The remaining amount shall be paid in five equated monthly instalments, of which, the first instalment shall be paid on or before 15.06.2023 and the subsequent instalments shall be paid on or before the 15th day of succeeding months.

(iii) The interest that accrues during the interregnum shall be paid along with the last instalment.

(iv) In the event of any default in payment of the money as directed above, the Bank can proceed with the action for recovery.

No costs. Connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

12.04.2023

NCC :Yes/No
Index :Yes/No
PM



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pm

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