



W.P.(MD) No.14700 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

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

**W.P.(MD) No.14700 of 2023
and
W.M.P.(MD) No.12405 of 2023**

S.Senthamarai Selvi

... Petitioner

-VS-

The Authorized Officer,
Indian Bank, Pudupatti Branch,
Pudukottai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned sale notice dated 05.06.2023, issued by the respondent Bank and quash the same.

For Petitioners : Mr.S.Ayyanar Prem Kumar

For Respondent : Mr.R.Pandivel



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ORDER

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

In view of the fact that the Debts Recovery Tribunal, Madurai, is not manned, we are entertaining this writ petition.

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

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. The petitioner's challenge is to the sale notice dated 05.06.2023, issued by the respondent – Bank.

5. The amount due is stated to be Rs.7,12,000/- (Rupees Seven Lakhs Twelve Thousand only). The reserve price has been fixed at Rs.8,26,000/- (Rupees Eight Lakhs Twenty Six Thousand only).



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6. The learned counsel appearing for the petitioner would submit that she would be able to liquidate the entire debt if she is given some time. She would also attribute the failure to repay to the business failure due to the lockdown imposed.

7. In order to provide an opportunity to save her property, the writ petition is disposed of with the following directions:

- (i) The Bank will go ahead with the sale but, it shall not confirm the same, if the petitioners pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the respondent – Bank, on or before 30.06.2023.
- (ii) The remaining amount of Rs.5,12,000/- (Rupees Five Lakhs Twelve Thousand only) shall be paid by the petitioners in four equated monthly installments commencing from 30th July, 2023. The monthly installments shall be paid on or before 30th of every succeeding month.



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(iii) The interest that accrues in the interregnum and the cost of the sale shall be paid along with the last installment.

(iv) If there is a default in payment as directed above, the respondent – Bank can proceed with the confirmation of the sale.

No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

21.06.2023

NCC : No
Index : No
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