



W.P(MD)No.14769 of 2023

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.14769 of 2023

and

W.M.P(MD)Nos.12454 and 12455 of 2023

D.Anil Jeeva Brinto

... Petitioner

vs.

1.The Authorised Officer,
Indian Bank, Zonal Office,
GRR Building, Near New Bus Stand,
Tirunelveli – 627007.

2.The Branch Manager,
Indian Bank, Marthandam Branch,
541, NMN Plaza, Market Road,
Marthandam and Post,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records pertaining to the Sale Notice of the first respondent, dated 09.06.2023 and quash the same.

For Petitioner	: Mr.C.K.M.Appaji
For Respondents	: Mr.B.Rajesh Saravanan, Standing Counsel



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ORDER

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

Challenge is to the sale notice issued by the first respondent bank, dated 09.06.2023.

2. Since the Debts Recovery Tribunal is not manned, we are entertaining this writ petition.

3. Mr.B.Rajesh Saravanan, learned Standing Counsel, takes notice for the respondent – bank.

4. It is stated that the sale is on 26.06.2023 and the outstanding amount is Rs.38,42,213/-.

5. Considering the overall circumstances, the Writ Petition is disposed of in the following terms:-

(i) The respondent – Financial Institution will proceed with the sale, but it will not confirm the sale if the petitioner pays a sum of Rs.8,42,213/- by 15.07.2023.



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(ii) The remaining amount of Rs.30,00,000/- shall be paid in five equal monthly instalments commencing from 21.08.2023. Subsequent installments shall be paid on or before 21st day of succeeding months.

(iii) The interest that accrues during the interregnum and the costs incurred by the bank shall be paid along with the last instalment.

(iv) In the event of any default in payment of the money as directed above, the respondent – bank will proceed to confirm the sale.

No Costs. Consequently, connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
21.06.2023

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

ORDER MADE IN
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