



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Monday, the Third day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.VAIDYANATHAN

AND

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

WMP(MD) . No.13176 of 2023

in

WP(MD)No.10976 of 2023

R.Srinithi Mahalakshmi

... Petitioner

Vs

1 M/s. Canara Bank
Rep. by its Branch Manager
Railway Junction Branch ,
1st Floor City Tower No.1
Royal Road Cantonment
Trichy , Trichy District

2 The Authorised Officer
M/s. Canara Bank
Railway Junction Branch
1st Floor City Tower No.1
Royal Road Cantonment,
Trichy Trichy District

... Respondent/Respondent/Complainant

Prayer in WMP(MD) . No.13176 of 2023

To order extension of four weeks time to comply order of this Honourable Court passed on 28.04.2023 in WP(MD).No. 10976 of 2023 passed by this Honorable Court and to pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD) . 10976/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to extend the period of payment of installments by modifying the order dated 21.03.2023 in W.P.(MD) No.6102/2023 passed by this Honble Court and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

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.B.Rajesh Saravanan Advocate for the Petitioner and of Mr.C.Deepak Advocate for the Respondents, this Court made the following order:



[Order of the Court was made by S.VAIDYANATHAN, J.]

This petition has been filed to extend the time by four weeks to comply with the order of this Court dated 28.04.2023 in W.P. (MD) No.10976 of 2023.

2. Heard Mr.B.Rajesh Saravanan, learned counsel for the petitioner and Mr.C.Deepak, learned Standing Counsel appearing for the respondents.

3. From the reading of the various proceedings of this Court, namely, orders dated 24.01.2023 and 27.02.2023 made in W.P. (MD) No.1348 of 2023, order dated 21.03.2023 made in W.P. (MD) No.6102 of 2023 and order dated 28.04.2023 made in W.P. (MD) No.10976 of 2023, it is very clear that the writ petitioner is a chronic defaulter.

4. It is represented by the learned Standing Counsel for the respondents that the auction was conducted on 26.04.2023 and the auction purchaser has already deposited 25% of the sale price and hence, the sale has to be completed within a period of 90 days from the date of sale i.e., on or before 26.07.2023.

5. Considering the facts and circumstances of the case, we make it very clear that it is open to the respondent bank to inform the auction purchaser that in case the petitioner pays the entire amount, the amount paid by the auction purchaser will be refunded with interest at 12% p.a. and receive the entire amount from the petitioner, if the same is paid on or before 20.07.2023.

6. This Court has entertained the Writ Petition as the Debts Recovery Tribunal, Madurai, was vacant at that time and now the Presiding Officer has been appointed and hence the parties will have to workout their remedy before the Debts Recovery Tribunal, Madurai. Since, final orders have been passed in the Writ Petition, we make it clear that in case of default by the petitioner to pay the entire amount on or before 20.07.2023, the sale can be confirmed and sale certificate can be issued.

7. This Writ Miscellaneous Petition stands disposed of with the above directions and observations.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2023

Sub Assistant Registrar (CS)



TO

1. The Branch Manager
M/s. Canara Bank
Railway Junction Branch
1st Floor City Tower No.1
Royal Road
Cantonment Trichy
Trichy District
2. The Authorised Officer
M/s. Canara Bank
Railway Junction Branch
1st Floor City Tower No.1
Royal Road Cantonment Trichy
Trichy District

Copy to

The Debt Recovery Tribunal, Madurai

+ 1 cc to Mr.B.Rajesh Saravanan Advocate CA Sr. NO.32337/2023

ORDER DATED : 03/07/2023

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ORDER

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WMP(MD) . No.13176 of 2023

IN

WP(MD)No.10976 of 2023

Giving direction and etc.
as stated within.

KB(12.07.2023) 3P 5C