



W.P(MD)No.15431 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

CORAM :

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

W.P(MD)No.1531 of 2023
and
WMP(MD)Nos.13025 and 13026 of 2023

Sindhuja

... Petitioner

vs.

The Authorised Officer,
PANJAB National Bank,
SASTRA Center,
Circle Office Trichy,
PNB House,
Trichy – Thanjavur Road,
Kailasapuram,
Trichy District.

... Respondent

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 pursuant to the impugned E-auction sale notice issued by the respondent bank, dated 24.05.2023 and quash the same as illegal and arbitrary.

For Petitioner : Mr.R.Suresh
For Respondent : Mr.C.Deepak



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ORDER

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

The E-auction sale notice dated 24.05.2023 issued by the respondent bank is under challenge. The sale is to be held tomorrow(28.06.2023).

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

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

4. The learned counsel appearing for the petitioner would submit that the petitioner would be able to liquidate the debt if some time is given since according to her, the default had arisen due to some unforeseen circumstances.

5. The learned Standing Counsel appearing for the respondent bank would submit that the amount due as on today is Rs.65,40,838.15/- and if at all any indulgence to be shown, it should be subject to certain conditions.



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6. Considering the fact that the secured asset is a dwelling house, we feel it appropriate to give a chance to the petitioner to redeem her property.

Therefore, the writ petition is disposed of with the following directions:

(i) The bank can proceed with the sale, but shall not confirm, if the petitioner pays a sum of Rs.25,41,000/-(Rupees Twenty Five Lakhs and Forty One Thousand Only), on or before 27.07.2023.

(ii) The remaining amount of Rs.40,00,000/- shall be paid in five equal monthly instalments commencing from 27th August, 2023 and each installment shall be paid on or before 27th day of every succeeding months.

(iii) The interest that accrues during the interregnum and the costs incurred by the respondent 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 can proceed to confirm the sale.



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No Costs. Consequently, connected miscellaneous petitions are closed.

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(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
27.06.2023

Index : Yes / No

Neutral Citation : Yes / No

pm



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

ORDER MADE IN
W.P(MD)No.15431 of 2023

DATED : 27.06.2023