



W.P(MD)No.19368 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.19368 of 2022
and W.M.P(MD)No.14135 of 2022**

Selvaraj

... Petitioner

vs.

1.The Chief Manager & Authorized Officer,
Karnataka Bank Limited,
Asset Recovery Management Branch,
Chennai – 600 001.

2.The Branch Manager,
Karnataka Bank Limited,
Nagercoil Branch,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceritorari, to call for the records relating to the impugned E-auction sale notice dated 18.07.2022 issued by the first respondent and quash the same.

For Petitioner : M/S.R.Jenifar Bibin

For R – 1 : Mr.N.S.Karthikeyan

For R – 2 : No appearance



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ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Ceritorari, to quash the impugned E-auction sale notice dated 18.07.2022 issued by the first respondent.

2.Earlier this Court, by order dated 23.08.2022, granted an order of interim stay on condition that the petitioner pays a sum of Rs.1,25,000/- to the respondent Bank within a period of two weeks.

3.Today when the matter is taken up for hearing, the learned counsel appearing for the first respondent submitted that the petitioner has not paid the aforesaid amount till now.

4.Now, the learned counsel appearing for the petitioner submitted that to show his bona fide, the petitioner undertakes to pay a sum of Rs.3,75,000/- to the respondent Bank in three equated monthly instalments, for which, the learned counsel appearing for the respondents is agreeable, however, with liberty to the respondent Bank to proceed against the petitioner in case of default in payment of any one of the instalments.



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5.Considering the submissions made on either side, the petitioner is directed to pay a sum of Rs.3,75,000/- to the respondent Bank on or before 24.02.2023, a sum of Rs.3,75,000/- to the respondent Bank on or before 24.03.2023 and further a sum of Rs.3,75,000/- to the respondent Bank on or before 24.04.2023. Till such time, no coercive steps shall be taken by the respondent. If the petitioner fails to pay the amount in any one of the instalments, the respondent Bank may proceed further in accordance with law. Further, it is open to the petitioner to approach the respondent Bank under One Time Settlement scheme. Needless to say that after the payment of the said amount in three months, if the petitioner has not paid the remaining outstanding amount, it is open to the respondent Bank to proceed further in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
23.01.2023

Index : Yes / No
Internet : Yes
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To

- 1.The Chief Manager & Authorized Officer,
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.19368 of 2022

DATED : 23.01.2023