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W.P.(MD) No.17365 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.17365 of 2023
and
W.M.P.(MD) Nos.14557 & 14558 of 2023**

Kaladevi

... Petitioner

-vs-

1.The Authorized Officer
Karur Vysya Bank Ltd.,
Asset Recovery Branch
R.S.No.170/9, Uthangudi Village
Near Mattuthavani Bus Stand
Madurai-625 107

2.The Manager / Officer
Karur Vysya Bank Ltd.,
Ramanathapuram Branch
Ramanathapuram-623 501

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of certiorarified mandamus to call for the records relating to the



W.P.(MD) No.17365 of 2023

WEB COPY

impugned sale notice dated 16.06.2023 of the first respondent and quash the same and directing the respondent to refrain from evicting the petitioner and her family from Door No.6/116A, Indira Nagar, Rameswaram Village, Ramanathapuram District, on the basis of the said impugned order without following the due process of law.

For Petitioner : Ms.Porkodi Karnan
for M/s.Polax Legal Solutions.

For Respondents : Mr.V.Sukumar

ORDER

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

The main grievance of the petitioner is that the impugned sale notice itself is issued against a dead person. The petitioner is the wife of the borrower, by name, Senduran, who died on 17.07.2022.

2. It is seen that communication about the sale notice is also issued to a dead person and therefore, learned counsel appearing for the respondent – Bank states that the respondent - Bank will issue a fresh notice, as they were not aware of the death of the borrower.



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W.P.(MD) No.17365 of 2023

3. In that view of the matter, recording the fact that the impugned sale notice is issued against a dead person, this writ petition is closed. If the respondent – Bank has taken any insurance policy at the time of borrowal of loan, the petitioner may be duly informed about the same and the representation of the petitioner for adjusting the amount due also shall be considered before proceeding further. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.]

[D.B.C., J.]

19.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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W.P.(MD) No.17365 of 2023

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D.BHARATHA CHAKRAVARTHY, J.

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