



W.P(MD)No.19890 of 2023

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 30.08.2023**

**CORAM :**

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE  
and  
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P(MD)No.19890 of 2023  
and  
W.M.P(MD)No.16419 of 2023**

Queen Mary

... Petitioner

Vs.

Indian Bank,  
Represented by its Authorised Officer,  
Palayamkottai Branch,  
Tirunelveli - 627 002.

.. Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned Sale Notice, dated 20.07.2023 issued by the respondent and quash the same.



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For Petitioner : Mr.M.Ajmal Khan

Senior Counsel

for Mr.V.Balasubramanian

For Respondent : Mr.Rajesh Saravanan

### **ORDER**

**[Order of the Court was made by The Hon'ble CHIEF JUSTICE]**

Heard Mr.M.Ajmal Khan, learned Senior Counsel for Mr.V.Balasubramanian, learned counsel for the petitioner and Mr.Rajesh Saravanan, learned counsel appearing for the respondent.

2. In fact, the Writ Petition has now become infructuous. In view of the stay granted, the sale has not materialized.

3. As far as the Commercial loan is concerned, the same is governed by the orders passed by this Court in W.P.(MD)No.5127 of 2023. The question now is only of housing loan. Approximately, an amount of Rs.30,00,000/- (Rupees Thirty Lakhs only) is due and payable by the petitioner in respect of the housing loan, after deducting the amount of Rs.6,15,000/- (Rupees Six Lakhs and Fifteen Thousand only) paid by the petitioner after issuance of sale notice.



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4. Considering the aforesaid and the *bonafide* shown by the petitioner of paying the amount, we pass the following order:

The petitioner shall discharge the housing loan amount by monthly installments of Rs.6,00,000/- (Rupees Six Lakhs only) regularly on or before 5<sup>th</sup> of every month. The installments commence from the month of September, 2023. If any one default is committed, it is left open for the Bank to proceed further.

5. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[C.K., J.]

30.08.2023

Index : Yes / No  
Neutral Citation : Yes / No  
RM



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**THE HONOURABLE THE CHIEF JUSTICE**  
**and**  
**C.KUMARAPPAN, J.**

RM

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