

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2021

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.15929 OF 2021(GM-RES)

BETWEEN:

MR. PRADAD BABU V,
S/O LATE CHINNASWAMY NAIDU,
AGED ABOUT 36 YEARS,
R/AT FLAT NO.S4,
S V SAROVAR APARTMENT,
13TH MAIN, J P NAGAR, 5TH PHASE,
BENGALURU - 560 078.

...PETITIONER

(BY SRI. VEERENDRA SHARMA R, ADVOCATE)

AND:

TUMKUR GRAIN MERCHANTS
CO-OPERATIVE BANK LIMITED,
B H ROAD TUMKUR 572 103.
REP BY ITS
AUTHORIZED OFFICER /SIGNATORY.

ALSO AT
TUMKUR GRAIN MERCHANTS
CO-OPERATIVE BANK LTD.,
NO.22 (OLD NO.235), 9TH MAIN,
3RD BLOCK, JAYANAGAR,
BENGALURU 560 011.
REP BY ITS AUTHORIZED SIGNATORY.

... RESPONDENT

(BY SRI. K V LOKESH, ADVOCATE FOR C/R)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE DIRECTION TO RESPONDENT TO CONSIDER THE REPRESENTATION OF THE PETITIONER DATED 27.08.2021 PRODUCED AS ANNEXURE-G AND QUASH THE SALE AUCTION NOTICE DATED 31.07.2021 ISSUED BY THE RESPONDENT WHICH IS PRODUCED HEREIN AS ANNEXURE-A.

THIS PETITION COMING ON FOR ORDERS THIS DAY,
THE COURT MADE THE FOLLOWING:-

ORDER

Learned counsel for the petitioner has filed a memo undertaking to pay the entire amount due within an outer limit of four weeks and therefore, he seeks postponement of the scheduled auction of the property on the ground of COVID-19 related grounds.

2. Learned counsel for the respondent submits that earlier also petitioner had undertaken similarly before this Court in W.P.No.6118/2021 and therefore, an unscrupulous borrower like the petitioner who has not complied with the same is not entitled to relief at the hands of Writ Court.

3. Having heard the learned counsel for the parties and having perused the petition papers, reprieve is being given to the petitioner in terms of his undertaking that he would clear entire dues within a period of four weeks, treating this extension as part of the period granted earlier; this reprieve is granted on the argued health problem on account of COVID-19 Pandemic,

In the event, petitioner does not adhere to the undertaking by making the payment, 50% of the amount which he has already paid earlier shall be forfeited to the

bank, and that bank shall recover the entire amount now due plus all reasonable expenses as well.

Ordered accordingly. Petition stands disposed off.

No costs.

**Sd/-
JUDGE**

Bsv