

(2019) 05 RAJ CK 0131
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4064 Of 2019

Shanti Devi

APPELLANT

Vs

Rajasthan Marudhara Gramin Bank And Ors

RESPONDENT

Date of Decision : 15-05-2019

Acts Referred:

Citation : (2019) 05 RAJ CK 0131

Hon'ble Judges : Dr. Pushpendra Singh Bhati, J

Bench : Single Bench

Advocate : Rakesh Matoria, Akshay Tiwari, BL Tiwari

Final Decision : Disposed Off

Judgement

1. The petitioner has preferred the present writ petition seeking the following prayer :-

"It is, therefore, most humbly and respectfully prayed that this writ petition may kindly be allowed and by an appropriate writ, order or direction :

(I) the impugned order dated 25.02.2019 (Ann.4) issued by the respondent bank may kindly be declared illegal, arbitrary, unjust and same may kindly be quashed and set aside.

(ii) The proceedings drawn against the petitioner by the respondent bank under the Act of 2002 may kindly be declared null and void.

(iii) The respondent bank may kindly be restrained from interfering in the peaceful possession of the property of the petitioner.

(iv) The respondent no. 2 may kindly be directed to provide some more time for depositing the outstanding amount."

2. This Court passed the following interim order on 15.3.2019 :-

"Issue notice to the respondents, returnable in four weeks.

In the meanwhile, if the petitioner deposits a sum of Rs.2 lakhs with the respondents within a period of 5 days from today, auction of the house in question shall not be conducted till the next date."

3. The petitioner complied with the said order by depositing Rs.2 lakhs on 20.3.2019.

4. Learned counsel for the respondent submits that the remaining amount has to be paid by the petitioner.

5. Learned counsel for the petitioner undertakes that the rest of the amount shall be paid by the petitioner in instalments if permitted by the Court.

6. In the peculiar facts of this case, the present writ petition is disposed of and with a direction that out of the total remaining amount of Rs.3,57,232/- (Rs.5,57,232/- - Rs.2,00,000/-), the petitioner shall deposit a sum of Rs.1,60,000/- on or before 15.8.2019 and shall deposit the remaining due amount on or before 15.11.2019. The auction proceedings shall meanwhile remain stayed. However, if any default is made by the petitioner, the protection given to the petitioner shall come to an end.

7. Stay Petition No.3932/2019 also stands disposed of accordingly.