

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9038 of 2023

Petitioner :- Suresh Chandra

Respondent :- Indian Bank Branch Gorakhpur And 5 Others

Counsel for Petitioner :- Kumar Ashutosh

Srivastava, Nagendra Pratap Singh

Counsel for Respondent :- Akhilesh Kumar Dwivedi

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner.

2. This petition has been filed seeking the following relief:-

"(i). direct the court below to decide the application, Paper No.6'C' expeditiously, pending since 30.1.2023, before in the court of Civil Judge (J.D.) Room No.18, Deoria, arising out from Original Suit No.28 of 2023 (Suresh Chandra Vs. Indian Bank, Branch Gorakhpur and others)."

3. It appears that the petitioner filed a suit seeking a declaration that he is entitled for the amount of insurance with further relief that the defendant no.1, Indian Bank, Branch Gorakhpur Road, Deoria, be enjoined from adopting any coercive method for recovery of the bank dues. Alongwith the aforesaid suit, an application paper no.6C was also filed under Order 39 Rule 1 CPC seeking a relief that during pendency of the suit, the defendant no.1 be restrained from adopting any coercive method for recovery or from taking illegal possession.

4. Annexure-3 to the petition is a notice dated 31.05.2023 for e-auction of immovable assets under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 read with proviso to Rule 8(6) of the Security Interest (Enforcement) Rules, 2002, for recovery of a sum of Rs.24,85,291/-.

5. Given the mandate of Section 34 of the SARFAESI Act,

2002, this Court is not inclined to grant the relief as prayed for.

6. The petition is, therefore, **dismissed**.

Order Date :- 21.11.2023

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(Jayant Banerji, J.)