

Court No. - 3

Case :- WRIT - C No. - 35414 of 2023

Petitioner :- Smt Pramod

Respondent :- Vinod Kumar And 4 Others

Counsel for Petitioner :- Nigamendra Shukla

Hon'ble Siddhartha Varma,J.

Hon'ble Shekhar B. Saraf,J.

1. Heard learned counsel for the petitioner and Sri Jainendra Kumar Mishra, learned counsel for the respondent-Bank.

2. When a sale notice was issued on 20.9.2023 for recovering certain amount from M/s. V.K. Impex under the proprietorship of Vinod Kumar then a notice was also issued to the petitioner who was the guarantor. The loan amount which was overdue on 20.9.2023 was to the tune of Rs.5,08,03,071.53/-. Learned counsel for the petitioner states that instead of approaching the Debts Recovery Tribunal against the notice for auction dated 20.9.2023, the petitioner approached the Civil Court and filed a Civil Suit being Original Suit No.49 of 2023.

3. We are of the view that since the petitioner has already availed an alternative remedy, no further order is required to be passed. By this order, however, we do not bestow any jurisdiction on the Civil Court.

4. The writ petition is, accordingly, dismissed.

Order Date :- 22.11.2023

GS

(Shekhar B. Saraf, J.)

(Siddhartha Varma, J.)