

Court No. - 3

Case :- WRIT - C No. - 35001 of 2023

Petitioner :- Atul Kumar And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Jalaj Kumar Kushwaha, Ray Sahab Yadav

Counsel for Respondent :- CSC, Sanjai Singh

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

Heard learned counsel for the petitioners, Sri Sanjai Singh, learned counsel for the respondents and learned Standing Counsel.

It is evident from the record that the loan in question was taken by the mother of the petitioner no.1 and 2 and the respondent nos.3 and 4. When a notice was sent to the respondent nos.3 and 4 with regard to the loan in question, the petitioners have approached this Court praying that only such property be taken over by the bank, which belonged to the respondent nos.3 and 4.

Contention of the learned counsel for the petitioners is that after the death of the mother, the petitioners also had share in the property.

Be that as it may, we find that the property was mortgaged and no interference can be made by this Court. The petitioners, if are aggrieved by the recovery, they may take recourse to such action as may be available to them under the laws.

With these observations, this petition stands dismissed.

Order Date :- 30.10.2023

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