

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1135 of 2013
Arising out of
Civil Writ Jurisdiction Case No. 7416 of 2008**

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Chandradeo Singh, Son of Late Jagruk Singh, Resident of Lohia Nagar,
Kankarbagh Colony, P.S.- Kankarbagh, Town And District- Patna

.... Appellant/s

Versus

1. State Bank of Patiala, Bari Path, P.S. Pirbahore, Town And District Patna
Represented Through Its Branch Manager
2. Branch Manager, State Bank of Patiala, Bari Path, P.S. Pirbahore, Town And
District Patna
3. Chief Manager, Advance, State Bank of Patiala, Regional Office-III, Lucknow,
Uttar Pradesh

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Pankaj Maijorwar, Advocate.
For the Respondent/s : Mr.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 01-03-2017

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench of this Court on 06th of
September, 2012 whereby the challenge to the proceedings initiated
against the appellant under The Securitisation and Reconstruction of
Financial Assets and Enforcement of Security Interest Act, 2002 (for
short “the SARFAESI Act”) remained unsuccessful.

The sole argument raised by the learned counsel for the
appellant is that the Bank has instituted title suit which stands
decreed and the Bank has filed execution case as well, therefore, the



proceedings under the SARFAESI Act could not have been initiated.

We do not find any merit in the argument. Hon’ble Supreme Court in the case of Transcore v. Union of India, (2008) 1 SCC 125, has held that the action under the SARFAESI Act is not the alternative, but it is in addition to the remedies provided to the Bank under The Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

In view of the said fact, we do not find any error in the order passed by the learned Single Bench. Consequently, the Letters Patent Appeal is dismissed.

It shall be open to the appellant to avail such other remedy as is available to him in accordance with law. However, the grant of liberty shall not be construed as an expression on the remedy which the appellant may choose to avail.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

