

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1627 of 2013

IN

Civil Writ Jurisdiction Case No. 5999 of 2013

=====

Rajesh Ranjan, Son Of Late Girija Nandan Singh Resident Of Flat No. 160, Hari Apartment, Manas Marg, Nehru Nagar, Patliputra, District - Patna - 800013

.... Appellant/s

Versus

1. The Chairman , State Bank Of India, Corporate Centre, State Bank Bhawan, Maidam Kama Road, Nriman Point, Mumbai - 400021
2. The State Bank Of India Through The Assistant General Manager, Sarc (Stressed Asset'S Resolution Centre), 2nd Floor, S.B.I. Patna, Main Branch Building, West Of Gandhi Maidan, Patna - 800001
3. Kaushal Kishore Singh Son Of Sri Daroga Prasad Singh Director Of M/S Poonam Emgicon Pvt. Ltd., R/O - 5c/11, North S.K. Puri, Patna - 800013
4. Ranvir Kumar Arya Son Of Late Sarwan Kumar Director And Partners (M/S Poonam Emigcon Pvt. Ltd.) R/O - 5c/11, North S.K. Puri, Patna - 800013
5. The Recovery Officer, D.R.T. , Patna

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Amaresh Kumar
For the Respondent No. 3: Mr. Ranjeet Kumar, Advocate
For SBI : Mr. K. K. Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 07-03-2017

Delay of 12 days is condoned for the reasons indicated
in I. A. No. 8934 of 2013.

Condonation application is allowed.

Matter is heard on merits.

The appellant claims himself to be the land owner of
the property on which certain flats were developed and sold to



Ranvir Kumar Arya, Respondent No. 4, who in turn had taken loan from a bank after due mortgage. On failure thereof, the flats have been auctioned. The land owner now makes a grievance both against the builder and the manner in which the auction sale had been carried out.

There is no lis between the appellant as well as the action taken by the bank against the borrower and the adjudication which has been made by the Learned Single Judge in his order, dated 20th of March, 2013, which is limited to the right of the borrower and the evaluation of the property and what sum it should be auctioned.

Ancillary issues and disputes between the builder and the land holder cannot be raised in the present appeal.

The appeal is misplaced. The same is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	09.03.2017
Transmission Date	

