

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.885 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 4410 of 2014**

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M/s Shree Maha Laxmi General Store, situated at Ram Bhawan Mohalla- Mithapur Chowk, P.S.- Jakkanpur, Dist.- Patna through its Proprietor

.... Appellant/s

Versus

1. The Authorized Officer, Central Bank of India, Regional Office, Maurya Lok Complex, Patna
2. The Branch Manager, Central Bank of India, Yarpur Branch, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Chaudhary, Advocate

For the Respondent/s : Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 21-06-2017

Delay of 15 days in filing of the appeal is condoned.

I.A. No. 3348 of 2016 stands allowed.

2. Having heard learned counsel for the parties, it is seen that challenge in the writ petition was made to proceedings initiated by the competent authority under Section 13 of the SARFAESI Act and challenge was made to the order passed under Section 13(4). Finding that against an order passed under Section 13(4) an appeal to the Debts Recovery Tribunal is available under Section 17 of the SARFAESI Act, the learned Writ court refused to make any indulgence into the matter and while doing so, relied upon a



judgment of the Supreme Court in the case of **United Bank of India Vs. Satyawati Tondon- (2010) 8 SCC 110.**

3. Once a statutory remedy by way of an appeal to the statutory Tribunal is available, the order passed by the Writ Court refusing to exercise his extraordinary jurisdiction cannot be termed as illegal or perverse to such an extent that interference in the matter now in this appeal is called for.

4. Granting liberty to the appellant to take recourse to the statutory remedy of appeal available, the Letters Patent Appeal stands disposed of.

5. In case there is delay in filing of the appeal, the appellant may seek condonation of delay from the Tribunal and it is for the Tribunal to consider the fact that the proceedings were pending before the Tribunal and condone the delay, if permissible under law.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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