

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 558 of 2017**

1. Kishore Chand Tank S/o Late Shri Jayram Bhimji Tank, Aged About 67 Years R/o Ganpati Apartment, First Floor, Ravi Nagar, Behind Gurudwara, Pandri, Raipur (Chhattisgarh).
2. Smt. Bharti Tank, W/o Shri Kishore Tank, Aged About 62 Years R/o Ganpati Apartment, First Floor, Ravi Nagar, Behind Gurudwara, Pandri, Raipur (Chhattisgarh).
3. Dipesh Kumar Tank, S/o Shri Kishore Tank, Aged About 36 Years R/o Ganpati Apartment, First Floor, Ravi Nagar, Behind Gurudwara, Pandri, Raipur (Chhattisgarh).

**---- Petitioner**

**Versus**

1. Kotak Mahindra Bank Limited Through Authorized Officer, Plot No. 8, First Floor, W H C Road, Shankar Nagar, Dharampeth, Nagpur,
2. Citi Financial Consumer Finance India Ltd. Through Its Manager, Ground Floor, Guru Ghasidas Plaza, Amapara G. E. Road, Raipur (Chhattisgarh).
3. Jayesh Tank, S/o Shri Kishore Tank, R/o D-90, Sector-1, Devendra Nagar, Raipur (Chhattisgarh).

**---- Respondent**

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For Petitioners

Ms. Purnima Singh, Advocate

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**08/03/2017**

1. Writ petition has been preferred challenging the auction proceedings initiated by the respondent Bank for recovery of the loan amount outstanding against the petitioner.

2. The auction notice was issued on 30-1-2017 i.e. more than one month back. The petitioners' appeal is pending before the Debts Recovery Tribunal, Jabalpur (DRT), where no interim order has been passed during this period and as soon as the Presiding Officer of the DRT issued a notice informing his non-availability from 1-3-2017 to 13-3-2017 the present petition has been preferred seeking postponement of the auction proceedings.
3. The writ petition does not appear to have been *bona fide* filed before this Court. There is no whisper as to what happened in the proceedings before the DRT from 30-1-2017 onwards or whether any hearing had ever taken place for grant of interim relief, if any. In the facts and circumstances of the case, this Court is not inclined to entertain this writ petition.
4. As an upshot, the writ petition *sans* merit is liable to be and is hereby dismissed at the motion stage itself. Sd/-

Judge  
Prashant Kumar Mishra

Gowri