

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.11644 of 2014

ORDER: (Per Justice Sanjay Kumar)

This writ petition was filed assailing the action of the Central Bank of India in enforcing the provisions of Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act') against the property of the petitioner and to set aside all proceedings pursuant to the auction notice dated 31.01.2014 issued by the bank.

It is now stated that the said auction sale materialized and the petitioner wishes to amend its prayer in this writ petition by impleading the auction purchaser so as to assail the sale certificate issued by the bank in his favour.

We are of the opinion that the pleadings, as they stand, would be insufficient to include a challenge to a development which took place subsequent to the institution of this writ petition.

We therefore dismiss this writ petition granting liberty to the petitioner to file a fresh case duly taking note of the subsequent developments, in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

GUDI SEVA SHYAM PRASAD, J

7th July, 2017
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