

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17781 of 2017

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1. Shivendra Kumar , son of Braj Bihari Singh @ Brij Bihar Singh
2. Mrs. Monika Kumar, wife of Shivendra Kumar
Both residents of village Saraswati Bhawan,(Near Ajay Santosh Lodge),
Ara, Dist. Bhojpur.

.... Petitioner/s

Versus

1. Bank of Baroda, Ara Branch , Katira Mode, Ara 802 301, through its
Branch Manager
2. Branch Manager, Bank of Baroda, Ara Branch , Katira Mode, Ara 802
301

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Adv

For the Respondent/s : Mr. Nishi Nath Ojha, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-03-2018

The present writ petition has been filed for the following
reliefs -

- (i) For issuance of an appropriate writ/order/direction commanding the respondents to provide proper instalment to the petitioners for depositing the loan amount of Rs. 35,14,624/- after adjusting the amount paid by the petitioners.
- (ii) For any other relief/reliefs to which the petitioners are entitled to in accordance with law.

2. The immediate concern of the petitioners are that the mortgaged property of the petitioners has been put on auction as provided under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") in terms of bank's letter dated 26.08.2015



(Annexure-4).

3. Learned counsel for the respondent-Bank makes statement at the Bar that the auction has failed as no bidder has turned up.

4. Having regard to the stand of the respondent- Bank as well as the nature of the prayer in the writ petition, this Court is not inclined to interfere in the matter relating to recovery of dues of the bank by resort to proceeding under the SARFAESI Act, inasmuch as the petitioners have adequate statutory remedy for redressal of their grievances.

5. The writ petition stands disposed of with liberty to the petitioners to avail of such remedy as may be available to them in accordance with law for redressal of their grievances.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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