

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18493 of 2017

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Shabnam Khatoon W/o Nasim Raza Khan Resident of Mohalla - Alafganj, Taz Bishunpur, Ward No. 1, Shivdhara, P.S. LNMU near Kal Pana Cinema, P.O. Lalbagh District- Darbhanga and Mohalla, P.O. and P.S. Adariya Sangram, Tulapatganj, District Madhubani.

.... Petitioner

Versus

1. The Punjab National Bank, District, its Head Office at Bhikaji Gamanji Plaza, New Delhi 110066.
2. The Punjab National Bank, Town Chowk, Darbhanga through its Branch Manager.
3. The Chief Manager, Authorized Officer, Punjab National Bank record creditor, Branch Officer, Town Chowk, Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Md. Shahnawaz Ali, Advocate

For the Respondents : Mr. Kumar Priya Ranjan,
Mr. Niraj Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-01-2018

The present writ petition has been filed for quashing the order dated 10.07.2017 issued by the respondents by which the accounts of the husband of the petitioner bearing Nos. 0108008700005522 and 010800NC00001915 have been classified as non performing assets and the guarantee given by the petitioner has been invoked and the petitioner has been directed to pay the amount of Rs. 1,33,42,952.31 with further interest on the contracted rate until payment in full within 60 days from the date of notice; and for connected reliefs.



2. This matter has been listed out of turn on the request of the petitioner on the ground that the mortgaged property of husband of the petitioner has been put on auction which was to be held on 25.01.2018.

3. Admittedly, the auction has failed and mortgaged property of the husband of the petitioner could not be auctioned in absence of willing buyers, as such the matter does not involve urgency.

4. This Court also takes notice that the petitioner has statutory remedy available by way of appeal under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act"), which has not been availed of.

5. In this view of the matter, this Court is not inclined to enter upon the merits of the matter.

6. The writ petition stands disposed of with liberty to the petitioner to approach the appellate forum for redressal of her grievances. In case any such appeal is filed within a period of 30 days from today the same shall be considered and disposed of on its own merits in accordance with law.

7. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.



B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
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