

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.667 of 2018

IN

Civil Writ Jurisdiction Case No. 6006 of 2018

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1.M/s Rambali Cold Storage Private Ltd. Through its Director Sri. Ramashrya Singh Yadav son of Sri.Rambali Yadav, registered office at villate-Mocharim, P.S-Bodhgaya Dist-Gaya.

2.Smt. Babit Kumari w/o Sri. Ramjashray Sigh Yadav, R/o Village-Mocharim, P.S-Bodhgaya Dist-Gaya.

.... Appellant/s

Versus

1.Central Bank of India, Bodhgaya Branch Bodhgaya, P.S-Bodhgaya, Dist-Gaya through its Branch Manager.

2.The Authorized Officer-cum-Chief Manager, Central Bank of India, Bodhgaya Branch Bodhgaya, Dist-Gaya.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bibhuti Narayan,Adv.

For the Respondent/s : Mr. Ajay Kumar Sinha

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 26-06-2018

Challenge in the present Letters Patent Appeal is to the judgment dated 02.05.2018 passed by the learned writ Court in Civil Writ Jurisdiction Case No.6006 of 2018. By the impugned order the learned writ Court has refused to interfere with the action taken by the respondent-Bank under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "SARFAESI Act").

Even though the learned counsel for the appellants has attempted to assail the order passed by the learned writ Court but on



the face of judicial pronouncement of a learned Co-ordinate Bench of this Court in the case of the **State Bank of India vs. M/s Purnea Cold Storage & Anr**, on which the learned writ Court has also placed reliance in Paragraph No.12 of the impugned judgment, we do not find any reason to interfere with the impugned judgment. A reading of the impugned judgment would reveal that the judgment of the learned writ Court is a well discussed judgment not only in the facts of the case but is also based on the judgment of the Hon’ble Supreme Court in the case of **Transcore vs. Union of India & Another**, reported in **(2008) 1 SCC 125**, whereunder the action of the Bank in taking recourse to the recovery through auction sale of the mortgaged property has been upheld.

The Letters Patent Appeal has no merit and is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

AFR/NAFR	
CAV DATE	
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