

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24443 of 2018

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1. M/s Vidyawati Sales Corporation situated at D/71, P.C. Colony, Kankarbagh, Police Station- Kankarbagh, District- Patna
 2. Manoj Kumar, Proprietor M/s. Vidyawati Sales Corporation, Son of Laxman Rai, Resident of Lal Sadan, Sahdeo Giri Road, Katira, Police Station- Nawada, District- Bhojpur

... .. Petitioners

Versus

1. The Canara Bank through its Senior Manager Circle Office 4th Floor Luvkush Tower, Exhibition Road, Patna- 800019
2. The Senior Manager, Canara Bank, Circle Office, 4th Floor Luvkush Tower, Exhibition Road, Patna- 800019
3. The Branch Manager, Canara Bank, Jail Road, Ara, District- Bhojpur- 802301
4. Pradyuman Kumar Bhaskar, Son of Neenu Babu Jha, Resident of Teachers Colony, Katira, Near Dairy Farm District- Bhojpur- 802301

... .. Respondents

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Rajan Ghoshrahe, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2019 No one appears for the petitioners. Learned counsel for the Bank is present.

It appears that against an interim order vacating the stay of confirmation of sale passed by the learned Presiding Officer, Debts Recovery Tribunal (in short 'Tribunal') the borrower went in appeal before the appellate authority. The appeal has also been dismissed after taking note of the fact that the confirmation of sale was earlier stayed by the Tribunal finding that the auction purchaser has not deposited the sale



price but later on when the Tribunal was informed that the entire sale price has already been deposited by the auction purchaser, the said interim order has been vacated. The learned appellate Tribunal has also taken note of the fact that the SARFAESI Application was still pending before the Tribunal, therefore, there was no reason to entertain the appeal.

Learned counsel for the Bank now submits that during pendency of this writ application SARFAESI Application itself has been dismissed.

In the given facts and circumstances of this case, this Court finds no error in the impugned judgments. Non appearance of the learned counsel for the petitioners further indicates that the petitioners understand that now the writ application has become infructuous.

Let the writ application be dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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