

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17530 of 2016

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Dhananjay Kumar, Proprietor of M/s Sun Print And Packers Son of Dr. Mathura Prasad Jaiswal resident of Mohalla - Rai Jai Krishna Road, Gurhatta, P.S. Malsalami, District - Patna

... .. Petitioner

Versus

1. Authorized Officer, Punjab National Bank At Kankarbagh and Anr
2. Presiding Officer, Debts Recovery Tribunal, Patna

... .. Respondents

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Appearance :

For the Petitioner/s : None
For the PNB : Mr.Kumar Priya Ranjan, SC

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-08-2019 No one appears on behalf of the petitioner although the name of three learned Advocates are appearing in the daily cause list.

Mr. Kumar Priya Ranjan, learned counsel for the Bank is present. Learned counsel submits that this writ application is not to be entertained inasmuch as the petitioner is seeking setting aside of the judgment dated 03.08.2016 passed by the Presiding Officer, Debts Recovery Tribunal, Patna (hereinafter referred to as the 'DRT') in the SARFAESI Appeal No. 78 of 2016. By the impugned order the DRT has refused to interfere with the possession notice dated 30.05.2016 after recording a finding that no procedural error would be found in the matter of taking over the possession of the secured assets.



Learned counsel submits that the judgment of the DRT is appealable under Section 18 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 before the Debts Recovery Appellate Tribunal.

In the given facts and circumstances of the case, where nobody is appearing on behalf of the petitioner to press this writ application and apparently the impugned judgment is an appealable judgment before the Debts Recovery Appellate Tribunal, the writ application is dismissed in default.

(Rajeev Ranjan Prasad, J)

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