

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO. 3596 OF 2019

1. Bank of Baroda, through its Power of Attorney Holder Shri Amit Lakra, having office at Link Road, Bilaspur, District Bilaspur (CG)
2. The Chief Manager, Bank of Baroda, Link Road, Bilaspur, District Bilaspur (CG)

... Petitioners

versus

M/s Walia & Company, A partnership firm having its office at Nagpura, Atal Chow, Sirgitti, Bilaspur, District Bilaspur, Chhattisgarh, through its Partner Shri Rajesh Seth, S/o Late Kailash Seth, age 47 years, R/o Main Road, Tarbahar, Bilaspur, District Bilaspur (CG)

... Respondent

For Petitioners	:	Mr. Ankit Singhal, Advocate.
For Respondent	:	Mr. Rishi Rahul Soni, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/03/2020

1. Challenge in the present Writ Petition is to the Order dated 20.9.2019 passed by the Debt Recovery Tribunal, Jabalpur in S.A. No. 470/2019.
2. Perusal of the impugned Order dated 20.9.2019 would show that the Tribunal had while passing the said order made a clear endorsement of the fact that failure on the part of the Applicant, i.e., the Respondent herein, to deposit the amount as per the schedule given in the said order, the interim protection granted by the Tribunal would stand vacated automatically and the Petitioner-Bank would at liberty to initiate recovery proceedings against the Respondent/Applicant.
3. Contention of the learned Counsel for the Petitioner is that there is a total failure on the part of the Respondent/Applicant to abide by the directions given by the Tribunal and as such the interim protection does not exist any further and the impugned Order has itself lost its efficacy and, thus, the present Writ Petition challenging the Order dated 20.9.2019 has become infructuous.
4. Accordingly and in view of above, the Writ Petition is dismissed as having become infructuous.

Sd/-
(P. Sam Koshy)
Judge