

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 2357 of 2021

Smt. Rajeshwari Chandne W/o Late Bhikham Prasad Chandne Aged
About 48 Years R/o Village Thakurtola, Post Somni, Tahsil
Rajnandgaon, District Rajnandgaon Chhattisgarh., District :
Rajnandgaon, Chhattisgarh --- **Petitioner**

Versus

Uco Bank Branch Manager Kailash Nagar Rajnandgaon
Chhattisgarh., District : Rajnandgaon, Chhattisgarh --- **Respondent**

For the Petitioners : Mr. Love Kumar Ramteke, Advocate
For the State : Mr. P. R. Patankar, Advocate

Hon'ble Shri Justice Goutam BhaduriOrder on Board**17.06.2021**

1. The instant petition has been filed for the following relief(s) :

“10. Relief Sought :

10.1 That, this Hon'ble Court may kindly be pleased to call the entire records from the respondents.

10.2 That, this Hon'ble Court may kindly issue an appropriate writ to the bank as the petitioners are being harassed for unnecessary loan amount. Whom to instruct to be stopped.

10.3 That the Hon'ble Court may kindly be pleased to direct the respondents further action be withheld.

10.4 That, this Hon'ble Court may kindly be pleased to grant any other relief or pass such other and further orders as may be deemed fit and proper in the facts and circumstances of the present case in the interest of justice.”

2. Learned counsel for the petitioner would submit that the petitioner and her husband have jointly availed the loan and during the process of loan the life of the husband of the petitioner was not insured by the Bank as per the quantum of loan availed, therefore, the respondent Bank cannot ask for any amount as there is a breach of agreement.

3. Counsel for respondent on instruction would submit that the loan was jointly availed by the petitioner and her husband

and at this stage, after death of her husband, only the information was sent that they were joint loanees.

4. Prima facie, it appears that the husband of the petitioner has died on 15.04.2021 and thereafter, the petitioner wife sent a legal notice to the Bank through an advocate on 17.05.2021 which was replied by the Bank on 20.05.2021. According to the Bank counsel, till today, no action under the SARFAESI Act has been initiated. Therefore, no cause of action has arisen as on today and even otherwise, the subject issue which is raised cannot be gone into by this court in exercise of powers under Article under 226 of the Constitution of India. Thus the petition sans merit and is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**