

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4638 of 2021**

1. Raghvendra Das Vaishnav S/o Late Narendra Das Vaishnav Aged About 56 Years R/o 1a, Anustha Residency, Junwani, Khamaria Raod, Bhilai, District : Durg, Chhattisgarh
2. Smt. Hema Das Vaishnav W/o Raghvendra Das Vaishnav Aged About 47 Years R/o 1a, Anustha Residency, Junwani, Khamaria Raod, Bhilai, District : Durg, Chhattisgarh
3. Ms. Anustha Das Vaishnav D/o Raghvendra Das Vaishnav Aged About 24 Years R/o 1a, Anustha Residency, Junwani, Khamaria Raod, Bhilai, District- Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioners**Versus**

UCO Bank, Through Its Authorised Officer, Recovery Section, Having Its Office At, India Place, Civic Center, Bhilai, District-Durg, Chhattisgarh, District : Durg, Chhattisgarh

--- Respondent

For Petitioners	:	Mr. Manoj Paranjpe, Advocate and Mr. Shikhar Bakhtiyar, Advocate
For Respondent- UCO Bank	:	Mr. P.R. Patankar, Advocate

S.B. - Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17.11.2021**

1. Heard.
2. It is submitted by learned counsel for the petitioners that the petitioners are borrowers of respondent, as the loan amount has not been repaid, therefore, the respondent has proceeded against the petitioners under SURFAESI Act. The auction of the property mortgaged with respondent has been notified by respondent, which is to be held on 25.11.2021. The petitioners has remedy available to file Securitization application before the DRT, Jabalpur, and such an application has been filed along with application for grant of stay before the DRT, Jabalpur, but due to the vacant seat of the Presiding Officer of the DRT,

Jabalpur, the applications are remaining unheard. Hence, this petition has been filed. It is submitted that petitioners may be protected by passing the interim order.

3. Counsel for the respondent opposes submissions and submits that if the interim order is granted to the petitioner, then he should be directed to not to seek unnecessary adjournments before the DRT, Jabalpur.
4. After considering the submissions, the petition is disposed of at motion stage. It is ordered that the proceedings of auction, if any, initiated against the petitioners with respect to the mortgaged property then the same shall remained stayed until the application for stay pending before the DRT, Jabalpur is decided subsequent to appointment of the Presiding Officer of that Authority. The petitioner is further directed not to take unnecessary adjournments in the proceedings before the learned DRT, Jabalpur.
5. With the aforesaid observation/ direction, the writ petition stand disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

yasmin