

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 5014 of 2021**

Smt. P. Sujatha Rao Pasi W/o Late Shri Satya Narsingh Rao Pasi
Aged About 50 Years, Occupation- House Wife, R/o Flat No. 204,
Dolphin Plaza, Daldalseoni, Mowa Raipur, District- Raipur
Chhattisgarh. **---- Petitioner**

Versus

- Union Bank Of India Through The Branch Manager, Pandari Branch
Bhatiya Bhawan, Vidhansabha Marg, Pandari Raipur, District Raipur
Chhattisgarh. **---- Respondents**

For Petitioner : Mr. Sunil Sahu, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.12.2021**

1. The grievance of petitioner in the present writ petition seems to be the initiation of the proceedings under the SARFAESI Act against the petitioner.
2. According to the petitioner, her husband had taken house loan of Rs.40,00,000/- in the year 2015. However, the husband of petitioner died in between on account of heart attack on 11.01.2020. Meanwhile, because of the default in repayment of loan amount, the respondent bank initiated proceedings under the SARFAESI Act and a notice for taking possession under Section 13 of the SARFAESI Act has been issued. The notice for taking possession was issued on 25.10.2021 notifying the petitioner for taking possession of the said property by the respondents back on 12.11.2021.
3. It is contended by the petitioner that the whole proceeding of taking

possession has been subjected to challenge in a Second Appeal before the DRT, Jabalpur. However, on account of the non-availability of regular Presiding Officer, the matter filed before the DRT has not been heard for quite sometime. That at this juncture, if the petitioner is not granted interim protection by this Court, the petitioner would be put to severe prejudicial detrimental to her interest and the petitioner also would be rendered homeless at this juncture.

4. The limited prayer that the petitioner makes is that till the appointment of a regular Presiding Officer is made at DRT, Jabalpur and the matter pending before the DRT is taken up for regular hearing, the petitioner may be granted some interim protection so far as the possession is concerned.
5. Taking into consideration the entire facts and circumstances of the case and also realizing the practical difficulties that the petitioner and similarly situated persons are facing on account of non-availability of regular Presiding Officer at DRT, Jabalpur for quite sometime, purely as an interim measure, it is ordered that let status quo as it exists today so far as the possession of the property is concerned be maintained by the petitioner as also by the respondent till the appointment of a regular Presiding Officer for DRT, Jabalpur is made.
6. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**