

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8646 of 2019

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M/s Hanuman Traders Proprietor Shyam Babu Choudhary (Male), aged about 44 years, S/o Shivji Choudhary, R/o Village-Dabhaich, P.S. Tisaut, District-Vaishali

... .. Petitioner/s

Versus

The Branch Manager, State Bank of India, Dabhaich Branch (Code No. 8136)
District-Vaishali, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Shankar Das, Advocate

Mr. Abhay Kumar, Advocate

For the Respondent/s : Mr.Kaushlendra Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 02-11-2022

Petitioner has prayed for the following relief(s):-

“A. i. To quash the order dt. 18.12.18 passed in SARFAESI Case No. 07/2016-17 whereby and whereunder the District Magistrate, Vaishali allowed the SARFAESI Case by exercising the power u/s 14 of SARFAESI Act, 2002 and further directed to take possession of secured asset in favour of secured creditor State Bank of India, Dabhaich, Branch in presence of deputed Magistrate, C.O., Patepur with the help of armed forces.

ii. To direct the respondent Bank not to proceed further in matter where the petitioner is ready to pay the rest amount of the loan by way of installment so that an appropriate direction is required to be given in the facts and circumstances of the case because the house of the



petitioner in which family resides required to be auctioned by taking physical possession of the said secured asset.

B. Any other relief or reliefs as your Lordships may deem fit and proper in the facts and circumstances of the case.”

Learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to initiate appropriate proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 or any other remedy, as are otherwise available, in accordance with law.

Liberty, as prayed for, is granted.

Petition stands disposed of as withdrawn.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/Saurabh

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