

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4818 of 2022

Sunita Pradhan

.... Petitioner

None

-versus-

***Chief Manager &
Authorized Officer, UCO
Bank, Sambalpur Branch,
Sambalpur and Another***

.... Opp. Parties

None

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO**

**ORDER (Oral)
04.11.2022**

**Order No.
03.**

This matter is taken up through hybrid arrangement.

1. Petitioner is the widow of a guarantor, who had offered his immovable property as a collateral security for a Cash Credit Loan availed by Jitendra Kumar Dwibedy/opposite party no.2 in the year 2004 from UCO Bank, Sambalpur Branch, Sambalpur. It is submitted that the husband-guarantor of the petitioner had died prematurely on 8th June, 2010 and the petitioner, being the successor in interest has now come to know that a Sale Notice dated 20th November, 2016 (Annexure-2) has been issued by the Bank fixing the auction sale of the mortgaged property towards realization of the outstanding liabilities of the principal borrower-opposite party no.2

2. By filing the present Writ Petition, a direction has been sought to the Bank to proceed with the realization of the loan dues from the principal borrower other than the mortgaged land inherited by the petitioner.

3. Since the filing of the present Writ Petition in the month of March, 2018, neither the pointed out defects have been removed nor have any efforts been made to get the case listed. At the time of hearing today, none has appeared on behalf of the petitioner.

4. In view of the above facts as also by efflux of time, it can be safely construed that the present Writ Petition would have become infructuous by now. That apart, in view of settled law, no direction can be issued for realization of the outstanding liabilities from the principal borrower at the first instance, as it is the discretion of secured creditor to proceed for an early recovery of the outstanding liabilities.

5. In view of the above, the present Writ Petition stands dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge