

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C). No.8100 of 2013

***Abhaya Kumar Choudhury
& Another***

....

Petitioners

None

-versus-

***Authorised Officer, Indian
Overseas Bank & Another***

....

Opposite Parties

Mr. G.D. Kar, Advocate for Bank

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

**ORDER (Oral)
17.05.2022**

Order No.

- 05.**
1. This matter is taken up by virtual/physical mode.
 2. This writ petition has been filed with a prayer to quash the notice of the auction sale dated 14th March, 2013 under Annexure-4.
 3. The Petitioner No.1 is a defaulting borrower of Cash Credit limit of Rs.15.00 lakhs availed in the year 2006 from the Indian Overseas Bank, Paradeep Branch, Jagatsinghpur. Due to financial indiscipline, the notice U/s 13(2) of the SARFAESI Act, 2002 was issued on 31st July, 2007 recalling amount of around Rs.16,82,460/- and subsequently, the symbolic possession was assumed by issuance of notice U/s 13(4) of the SARFAESI Act, 2002 on 20th

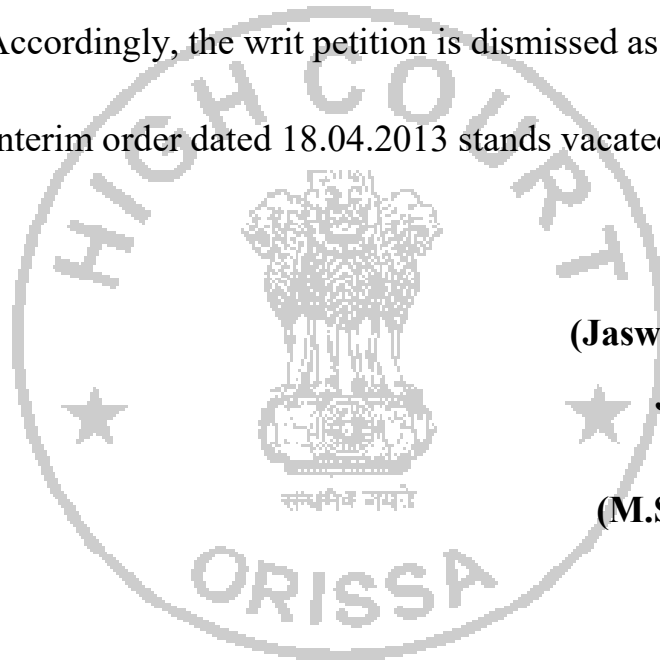
December, 2007 and tender-auction sale notice was issued on 13th March, 2013 fixing date of auction on 23rd April, 2013.

4. When the matter is taken up today, none appears for the Petitioner. However, Mr. G.D. Kar, Advocate for Bank submitted that the amount of loan being liquidated, the account has been closed.

5. In such view of the matter, no cause of action survives.

6. Accordingly, the writ petition is dismissed as infructuous.

Interim order dated 18.04.2013 stands vacated.



(Jaswant Singh)

Judge

(M.S. Raman)

Judge