

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16737 of 2014

**Gouri Sankar Sahu &
Another**

.... **Petitioners**

Mr. S.K. Behera, Proxy Counsel
on behalf of Mr. P.K. Mishra, Advocate

-versus-

**Authorised Officer, State
Bank of India, Talsingi
Branch, Talasingi, District-
Ganjam & Another**

.... **Opp. Parties**

Mr. M.K. Mohapatra, Advocate for the Bank

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

ORDER (Oral)

18.11.2022

(Hybrid Mode)

Order No.

- 07.** **1.** Petitioner No.1 is a defaulting borrower of a Cash Credit facility availed for a sum of Rs.2,62,000/- way back in the year 2011 from State Bank of India, Talsingi Branch, Talasingi, District-Ganjam, whereas petitioner No.2 is the guarantor having offered his immovable property as a collateral security. The petitioners are facing recovery process under the SARFAESI Act, 2002 and by filing the present writ petition have laid challenge to the notice dated 22.07.2014, whereby symbolic possession of the mortgaged property was assumed for recovery of an outstanding liability of Rs.4,53,988/- due as on

31.03.2014, i.e., the date of issuance of the demand notice.

2. At the time of hearing, learned counsel for the Bank submits that the present writ petition has become infructuous in view of the loan account having been closed on 10.05.2017 upon deposit of the required amounts.

3. In view of the above, the writ petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

AKK

18th November, 2022
Cuttack

