

IN THE HIGH COURT OF ORISSA AT CUTTACK

I.A. No.17576 of 2022
in
W.P.(C) No. 4562 of 2022

Sarat Kumar Dash **Petitioner**
Mr. S.K. Padhi, Advocate
-versus-
Authorized Officer, Union **Opp. Parties**
Bank of India-cum-Andhra
Bank, Bhubaneswar and
Another

Proxy Counsel Mr. Sandeep Mishra on behalf of
Mr. Tuna Sahu, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M. S. SAHOO

ORDER (Oral)

11.01.2023

Hybrid Mode

Order No.

08. I.A. No.17576 of 2022

1. The instant I.A. has been filed by the applicant-petitioner seeking modification of operative portion i.e. para-7 of the final order dated 28.10.2022 on the ground that the petitioner's financial condition is very poor and is thus unable to pay the said instalments.

2. After hearing learned counsel for the applicant-petitioner, we find no ground to modify the said order. For ready reference, para-7 of the said order reads as under:-

“In view of the above agreed stand, the present writ petition is disposed of with a direction to the petitioner to pay a sum of Rs.2 lakhs as the first installment by 29.11.2022 and the remaining balance by 29.12.2022, whereupon the loan account shall stand liquidated and petitioner entitled to return of title deeds of the secured asset.”

The aforesaid directions were passed on agreed terms and in presence of the counsel for the petitioner. Thus, mere inability of the petitioner to comply with the order is not a ground to seek modification of such direction.

3. The I.A. is accordingly dismissed.

**(Jaswant Singh)
Judge**

**(M.S. Sahoo)
Judge**

11th January, 2023
Cuttack

RRJena/Gs

