IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C). No.5522 of 2022

Smita Mishra .... ***Petitioner***
Mr. A.C. Panda, Advocate

-versus-

Authorized Officer, Canara Bank, Dhenkanal Branch Office & Another .... ***Opposite Parties***
Mr. R.B. Dash, Advocate
(for Bank)

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
05.05.2022

Order No.

05. **1.** This matter is taken up by virtual/physical mode.

2. The Petitioner is a defaulting borrower of a housing loan, upon her willingness to get her account upgraded, the following order dated 16th March, 2022 was passed, which reads as under:-

> "2. The Petitioner is the defaulting borrower of a housing loan for payment of EMIs @ Rs.38,979/- since September, 2020. The account was classified as NPA on 31st December, 2020 and recovery process under the SARFAESI Act, 2002 has reached the stage of assuming symbolic possession of the mortgaged-residential house on 23rd August, 2021, counsel for the Petitioner states that the Petitioner is prepared to deposit the amounts overdue, which come around of Rs.5,50,000/- to be paid by April, 2022.

P.T.O.

> 3. Issue notice for 6th April, 2022.
>
> 4. Mr. R.B. Dash appears and waives notice on behalf of the Opposite Parties-Bank. Two extra copies of the writ petition be served on him during course of the day.
>
> 5. Let the Petitioner deposit a sum of Rs.2,50,000/- with the Bank before the next date to show her bona fides."

3. On the next date of hearing on 6th April, 2022, the following order is passed:-

> "2. Counsel for the Bank states that the Petitioner has deposited a sum of Rs.2,20,000.00 instead of Rs.2,50,000.00 in terms of the order dated 16.03.2022.
>
> 3. Counsel for the Petitioner prays for some more time to deposit the shortfall amount of Rs.30,000.00 and another part payment of Rs.2,00,000.00 by end of this month towards upgrading of the loan account.
>
> 4. List on 5.05.2022.
>
> 5. Let the Petitioner deposit a sum of Rs.2,30,000.00 before the next date."

4. At the time of hearing, it is admitted that a sum of Rs.4,50,000/- stands paid and a sum of around Rs.1,46,000/- would be the balance amount overdue as on May, 2022.

5. Counsel for the Petitioner undertakes to deposit another sum of Rs.1.00 lakh by 31st May, 2022 and the remaining balance along with the installment for the month of June and July, 2022 including the interest components, if any, by 7^{th} July, 2022 for the purpose of upgrading the loan account.

The aforesaid proposal of manner of upgradation is accepted by counsel for the Bank. However, he states that if the needful is not done as aforesaid, the Bank would proceed to recover the outstanding liability in accordance with law to which the counsel for the Petitioner has no objection.

6. In view of the aforesaid agreed stands, the writ petition is disposed of in terms of the aforestated stands of both the parties.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Aks May 5, 2022 Cuttack