IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6736 of 2022

Digambari Sahu	....	***Petitioner***

Mrs. Sangita Mohanty, Advocate

-versus-

Union Bank of India, Berhampur and another	....	***Opp. Parties***

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

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
04.04.2022

Order No.

03.

1. This matter is taken up through virtual/physical mode.

2. The Petitioner is the successor in interest/L.R.(wife) of defaulting borrower-Hari Krushna Sahu of Cash Credit loan availed for a sum of Rs.15.00 lakhs from the Union Bank of India, SME Jagannathpur Branch, Berhampur on 20th March, 2014. The borrower-husband of the Petitioner is stated to have died on 11th June, 2019. The loan account was declared NPA on 31st March, 2021 and the demand notice under Section 13(2) of the SARFAESI Act, 2002 (in short, 'the Act, 2002') was issued on 28th April, 2021 recalling the outstanding liability of Rs.14,34,675.25. Thereafter, the notice under Section 13(4) of the Act, 2002 is issued on 23rd February, 2022 assuming symbolic possession of the secured asset/mortgaged property, offered as a collateral security.

3. By filing the present writ petition, challenge has been laid to the aforesaid notice dated 23rd February, 2022 (Annexure-4).

4. Counsel for the Bank states that subsequent to the taking of possession, the Petitioner had made a representation dated 4th March, 2022 (Annexure-5), whereby she voluntarily offered to pay a sum of Rs.9.00 lakhs in three equal quarterly installments. He states that upon consideration of the same, the bank has passed an office Legal Lr. memo No.78210/CRLD/RO/BAM/92 dated 7th March, 2022 accepting the proposal of Rs.9.00 lakhs towards full and final settlement. However, the period has been restricted to only 90 days. The said memo dated 7th March, 2022 is taken on record at Annexure -X.

5. After hearing counsel for the parties, we find that the Petitioner-widow deserves a period of six months with effect from 7th March, 2022 to deposit the amount of Rs.9.00 lakhs in view of her financial condition, her conduct of paying the installments even during the COVID-19 period from the date of the death of her husband till December, 2020. We are also mindful of the fact that she is stated to be supporting five children of her from the business, which is the sole source of income.

6. Counsel for the Bank, on instruction, also does not have any objection to the grant of more time.

7. In view of the above, this present writ petition is disposed of with the direction that the Petitioner shall clear the

entire outstanding amount of Rs.9.00 lakhs in terms of the memo dated 7th March, 2022 within a period of six months from the date of issue of the aforesaid memo.

Issue urgent certified copy as per Rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna April 4th, 2022
Cuttack