

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.4780 of 2013

Kalipada Badi **Petitioner**
Mr. Prasanta Kumar Satpathy, Advocate

-versus-

State Bank of India and
another **Opp. Parties**
None

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (ORAL)
09.05.2022

Order No.

- 04.** 1. This matter is taken up by virtual/physical mode.
2. Petitioner is the principal borrower who had defaulted in servicing the cash credit loan account availed from State Bank of India, Baripada Branch, Mayurbhanj for a sum of ₹15 lakhs in September, 2006. Dillip Kumar Das/Proforma- Opposite Party No.2 had stood as a guarantor. Since there was consistent default, the Bank filed Original Application No.328 of 2009 before the DRT, Cuttack. Upon notices to the Defendants i.e. Petitioner and Opposite Party No.2 herein, they stayed away from joining the proceedings leading to an order dated 22.03.2010 whereby they were to be proceeded *ex parte*. The proceedings culminated into passing the impugned *ex parte* judgment dated 30.04.2010 ordering the recovery of a sum of ₹20,27,568.59 along with interest in favour of the Bank and against the borrower and the guarantor.
3. It is the aforesaid *ex parte* order and the *ex parte* judgment dated 30.04.2010 has been challenged before this Court instead of approaching the appellate forum.

4. The record shows that there was no interim order of staying the execution of the impugned judgment.

5. At the time of hearing, learned counsel for the Petitioner states that in spite of repeated intimations, the Petitioner has not responded and provided any instructions.

6. In view of the above, the writ petition is dismissed for non-prosecution.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

May 9th, 2022
Cuttack

AKK

