

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5447 of 2013

Yudhistir Senapati

....

Petitioner

None

-versus-

**Chief Manager, Stressed Asset
Recovery Branch, State Bank
of India, Madhupatna, Cuttack
and another**

....

Opp. Parties

Mr. Himanshu Patnaik, Advocate.

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (Oral)

11.03.2022

Order No.

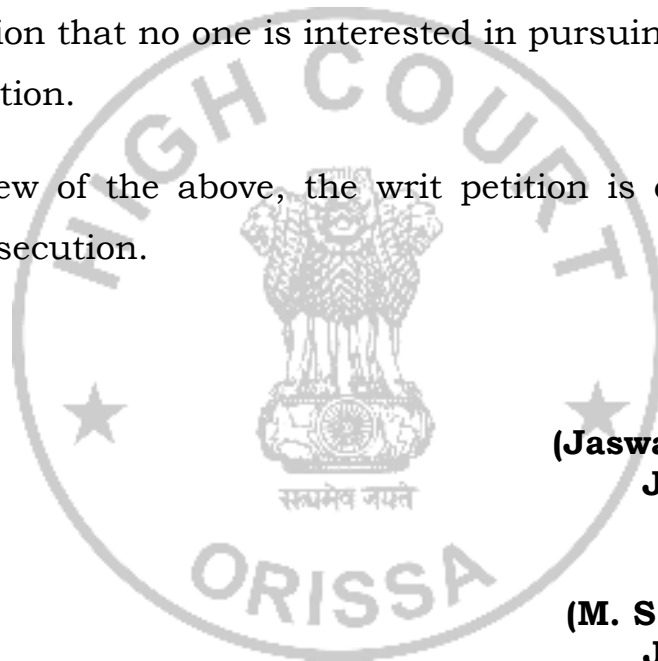
- 05.**
- 1.** This matter is taken up through virtual/physical mode.
 - 2.** None appears for the petitioner. The same was the position on the previous date of hearing on 25th February, 2022.
 - 3.** The petitioner is a defaulting borrower in a housing loan account with the State Bank of India, Madhupatna Branch, Cuttack.
 - 4.** By filing the present writ petition challenge has been laid to the demand notice dated 3rd January, 2011 issued under Section 13(2) of the SARFAESI Act, 2002 (for short “the Act, 2002”), whereby the outstanding liability of Rs.10,37,441.81 due as on 3rd January, 2011 plus interest and expenses has been recalled on account of the loan account having been declared NPA for default in payment of due installments. Further challenges to the notice dated 14th June, 2012

issued under Section 13(4) of the Act, 2002, whereby symbolic possession has been assumed.

5. Learned counsel appearing for the State Bank of India submits that the outstanding liabilities of the present loan account was assigned to the assignee reconstruction company, namely ARCIL in the year 2014.

6. It is apparent that the petitioner has taken no steps to implead the assignee- Secured Creditor, nor has anyone put in appearance on two successive dates, thereby giving the impression that no one is interested in pursuing the present writ petition.

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



(Jaswant Singh)
Judge

(M. S. Raman)
Judge

March 11th, 2022
Cuttack

Basudev