

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17193 of 2013

Sudesh Bhardwaj

....

Petitioner

Mr. L.N. Rayatsingh, Advocate

-versus-

***The Presiding Officer, Debts
Recovery Tribunal, Cuttack
and another***

....

Opp. Parties

Mr. D.P. Sarangi, Advocate for the Bank

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN**

**ORDER (Oral)
20.05.2022**

Order No.

- 11.** **1.** This matter is taken up by virtual/physical mode.
- 2.** Petitioner had availed a cash credit loan in the year 2001 from State Bank of India, Barbil Branch, Orissa and another term loan on 01.04.2008 for the purpose of buying Tata Tipper Trucks, as he is engaged in the business of transportation. On account of default in servicing the loan account, the Bank filed an O.A. No.36 of 2012 for recovery of ₹97,75,299.00 along with interest, cost and other expenses. The notice of the O.A. was duly served upon the Petitioner and after his counsel had appeared on few dates, chose to abstain

from the proceedings. Resultantly, the order is to be proceeded against as *ex-parte* vide order dated 06.09.2012. Subsequently, the DRT, Cuttack passed the impugned *ex-parte* judgment dated 20.12.2012, which has been impugned in the present writ.

3. Perusal of the previous order reveals that after the mortgaged properties are sold in public auction, the sale proceeds have been adjusted towards the outstanding amounts, another sum of ₹69 lakhs was found to be still outstanding as on 12.01.2018.

4. At the time of hearing today, learned counsel for the Petitioner prays for unconditional withdrawal of the present writ petition.

5. In view of the above, the writ petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

May 20th, 2022
Cuttack

AKPradhan