IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.9426 of 2022

Akshaya Kumar Pradhan	....	***Petitioner***

Mr. Sanjib Kumar Bhanjadeo, Advocate

-versus-

Authorised Officer, Union Bank of India, Regional Office, Cuttack and Another	....	***Opp. Parties***

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

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

Order No.

24.08.2022

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

2. The Petitioner was a defaulter of a housing loan with an outstanding liability of Rs.3,23,000/-. Upon willingness of the Petitioner to clear the entire outstanding liability, this Court on 21st April, 2022 passed the following order:-

> *"1. This matter is taken up by virtual/physical mode.*
>
> *2. The Petitioner is a defaulter of a housing loan with the outstanding liability of Rs.3,23,000/- approximately as on today as per the date charts on behalf of the Bank. The mortgaged property to recover the aforesaid liability is stated to be put for auction on 29th April, 2022 with the reserve price of Rs.8.00 lakhs.*
>
> *Counsel for the Petitioner states that the Petitioner is prepared to clear the entire outstanding liability provided some reasonable time is extended. To show the bona fides, the Petitioner is prepared to deposit substantial amount as upfront money to save the sole residential house.*
>
> *3. Issue notice for 18th May, 2022.*
>
> *4. Mr. Tuna Sahu, learned counsel appears and waives notice on behalf of the Opposite Parties-Bank.*
>
> *5. Let requisite number of copies of the writ petition be served on him during the next two working days.*
>
> *6. As an interim measure, subject to the Petitioner depositing a sum of Rs.1,20,000/- with the bank on or before 29th April, 2022, and an undertaking by way of affidavit of payment of the remaining balance within next three months*

of such deposit, the successful bid, if any, shall not be confirmed without leave of the Court."

3. On the subsequent date, on 18th May, 2022, the following order was passed:-

> "*1. This matter is taken up by virtual/physical mode.*
>
> *2. Mr. Tuna Sahu, counsel for the Bank concedes that a sum of Rs.1,20,000/- stands deposited by the Petitioner in compliance of the previous order, however, the undertaking has not been filed. He further states that the auction fixed for 29th April, 2022 has failed for want of any intending bidder.*
>
> *3. List on 8th August, 2022 for further consideration.*
>
> *4. The Petitioner is directed to file his undertaking in terms of the previous order before the next date."*

4. At the time of hearing, counsel for the Bank submits that the Petitioner has cleared the outstanding liabilities except a sum of Rs.30,000/- towards Advocate fee, paper publication charges and valuation charges etc. He further submits that on deposit of the same, the loan account shall be closed and the title deed shall be returned in terms of the policy of the Bank.

5. In response, counsel for the Petitioner undertakes to deposit aforesaid Rs.30,000/- within next four weeks.

6. In view of the aforesaid development, the writ petition is disposed of.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna August 24th, 2022
Cuttack