

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6969 of 2015

Saratbala Patnaik

.... Petitioner

Mr. Samir Kumar Mishra, Advocate

-versus-

Union of India & Others

.... Opp. Parties

None

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

23.08.2022

Order No.

- 06.** 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The petitioner is a defaulting borrower in a Housing Building Loan facility availed for a sum of Rs.5,40,000/- in the year 2003 from State Bank of India, Main Branch, Bhubaneswar. Due to default in payment of installments, recovery process under the SARFAESI Act, 2002 (for short, “the Act, 2002”) was initiated by the creditor-Bank by issuance of a Demand Notice dated 15th October, 2012 under Section 13(2) of the Act, 2002 seeking to recall the outstanding liability of Rs.4,50,093/- due as on 12th October, 2012.

It is stated that the recovery process had culminated into the sale of the mortgaged property in favour of M/s. Asset Reconstruction Company Ltd. (ARCCL)/Opposite Party No.4.

3. By filing the present Writ Petition, prayer has been made for directing the Bank to provide some more time to pay the overdue installments in the House Building Loan Account No.10872711462, with the further prayer to set aside the alleged sale made by the Bank in favour of M/s. ARCCL/Opposite Party No.4.

4. Since the filing of the present Writ Petition neither anyone has appeared on behalf of the petitioner as and when the case has been called nor the defects pointed out by the Stamp Reporter have been removed.

5. Mr. S. K. Mishra on the last date of hearing on 11th August, 2022 had prayed for a short accommodation to seek instructions from his client.

6. At the time of resumed hearing today, Mr. Mishra states that he has no instructions from his client nor has he ever got in touch with her all these years.

7. In view of the petitioner having taken no steps to pursue the present Writ Petition since the year 2015, we find that she has lost interest in pursuing the same.

8. In view of the above, the Writ Petition is accordingly dismissed.

**(Jaswant Singh)
Judge**

**(M. S. Raman)
Judge**

AKK

23rd August, 2022
Cuttack

