

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3225 of 2015

Jayadev Samal

.... Petitioner

Mr. S. Nath, Advocate

-versus-

***Syndicate Bank and
Another***

.... Opp. Parties

Mr. B. N. Udgata,
Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

02.08.2022

Order No.

09. **1.** This matter is taken up through hybrid arrangement (virtual/physical mode).
- 2.** The petitioner is a defaulting borrower in a home loan account availed from Syndicate Bank, Paradip Port Branch (presently merged with Canara Bank, Paradip Port Branch) for a sum of Rs.17,00,000/- in March/May, 2011.
- 3.** Due to non-payment of installments, the loan account was classified as NPA on 31.05.2013 leading to the issuance of a Demand Notice dated 03.07.2013 under Section 13 (2) of the SARFAESI Act, 2002 (in short, “the Act, 2002”) recalling the outstanding liability for a sum of Rs.21,16,735/- due as on 01.07.2013 and costs.

It is the aforesaid Demand Notice dated 03.07.2013 which is the subject matter of challenge in the said writ petition.

4. On perusal of the record, it reveals that the writ petition has not been listed for hearing due to non-removal of the defects pointed out by the Registry. The efforts to settle under the Lok Adalat had also borne no fruits due to non-participation of the parties.

5. At the time of hearing, Mr. Udgata, learned counsel for the Bank submits that in view of the subsequent proceedings for recovery initiated by the Bank, the petitioner has already filed W.P.(C) No.37979 of 2021 which is stated to be pending before this Court, thereby rendering the present writ petition to be infructuous.

Mr. S. Nath is unable to dispute the aforesaid factual situation.

6. In view of the above, the Writ Petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

2nd August, 2022
Cuttack