

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.13580 of 2022

Mr. Truptiranjana Das

....

Petitioner

Mr. P.K. Satapathy, Advocate

-versus-

***Registrar, Debt Recovery Appellate
Tribunal, Kolkata & Others***

....

Opposite Parties

Mr. S.K. Ghose, Advocate for Bank

Mr. Kishore Ch. Bariki in person

(Opp.Party No.4)

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

15.09.2022

Order No.

04.

This matter is taken up by virtual/physical mode.

1. The Petitioner is a defaulting borrower in a loan account in which the outstanding liabilities were recovered by the Bank by the sale of the mortgaged property on 29th June, 2016. The said sale in favour of the successful bidder, namely, Sri Kishore Chandra Bariki-Opposite Party No. 4 herein was challenged before the DRT, Cuttack by the Petitioner by filing S.A. No. 57 of 2017, which was dismissed vide order dated 21st May, 2018. The Petitioner is stated to have filed Regular Appeal No. 221 of 2018 against the aforesaid order passed by the DRT, Cuttack before the Debt Recovery Appellate Tribunal, Kolkata (for short, “the DRAT, Kolkata”) on 5th June, 2018.

It is shown that the Regular Appeal was listed for filing of reply before the DRAT, Kolkata on 4th May, 2022 as per the cause list. However, due to non-appearance of the counsel for the

Petitioner/Appellant before the DRAT, the same was shown to be reserved for passing of judgment. The Petitioner is stated to have filed M.A. No. 151 of 2022 on 17th May, 2022 itself seeking recalling of the order dated 4th May, 2022 and rehearing the appeal. Since no order was passed in the said M.A., the present writ has been filed seeking a direction to the DRAT, Kolkata for rehearing the appeal.

2. Upon notice, the Bank has put in an appearance through their counsel Mr. Ghose whereas the auction purchaser i.e. Mr. Kishore Chandra Bariki has appeared in person. His identity has been verified by the Aadhaar card produced by him in Court.

3. Counsel for the Bank as well as the auction purchaser state that they have no objection, if the DRAT, Kolkata is directed to rehear the appeal before passing of any final judgment. It is also pointed out that as per the reflected status report on DRAT portal, the Appeal being shown to be listed for filing of a reply on 28th September, 2022.

4. In view of the aforesaid, counsel for the parties agreed for disposal of the writ petition as infructuous with a direction to the appellate authority to hear the parties before deciding the appeal. Ordered accordingly

(Jaswant Singh)
Judge

(M.S. Raman)
Judge