

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25107 of 2021

Sarita Agarwalla

....

Petitioner

Mr. S.D. Das, Senior Advocate with
Mr. H. Mohanty, Advocate

-versus-

***Branch Manager, Union
Bank of India, (E-
Corporation Bank),
Karanjia Branch, District-
Mayurbhanj and Others***

....

Opp. Parties

Mr. Sitanshu Kumar Dey,
Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (ORAL)

21.04.2022

Order No.

- 02.** 1. This matter is taken up by virtual/physical mode.
2. Petitioner is the widow of defaulting borrower-Anil Kumar Agarwalla, who had defaulted in servicing the cash credit account for a sum of ₹90 lakhs availed in the year 2015/16 from the erstwhile Corporation Bank (now Union Bank of India), Karanjia Branch, Mayurbhanj. The loan account was classified as NPA on 31.07.2020 after the said Anil Kumar Agarwalla had died on 01.07.2019 leaving behind his legal heirs including the Petitioner-wife. The recovery proceedings under the SARFAESI Act, 2002 (in short “the Act, 2002”) were initiated by issuance of a demand notice dated 10.08.2020 under Section 13(2) of the Act, 2002

and symbolic possession of the secured assets (three mortgaged properties) was assumed vide notice dated 11.08.2021 under Section 13 (4) of the Act, 2002.

3. The widow (one of the legal heirs) of the defaulting borrower by filing the present writ petition has laid challenge to the aforesaid notice dated 11.08.2021 assuming possession.

4. Learned counsel for the Petitioner prays for permission to withdraw the writ petition because of certain subsequent developments.

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 In view of the above, the writ petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

April 21st 2022
Cuttack

AKK