

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.21947 of 2022

Preetishree Behera

....

Petitioner

Mr.Ashutosh Panda, Advocate

-versus-

***Debts Recovery Tribunal, Cuttack &
Others***

....

Opposite Parties

Mr. Manoj Kumar Mohapatra, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

Order No.

ORDER (Oral)
26.08.2022

1. 1. This matter is taken up by virtual/physical mode.
2. 2. Petitioner-Preetishree Behera is the daughter/LR of the principal borrower, namely, Ajay Kumar Behera stated to have died on 16th December, 2017 leaving behind three LRs including the Petitioner, who had availed a cash credit facility being proprietor of M/s. Sana Babu Store for a sum of Rs. 14.00 lakhs from Punjab National Bank on 16th June, 2013. The loan account due to financial indiscipline was classified as NPA on 29th December, 2021 leading to initiation of recovery processes under the SARFAESI Act, 2002. The Petitioner concededly has filed SA No. 101 of 2022 challenging the recovery process including the sale notice dated 22nd July, 2022 notifying the putting up for auction sale of the mortgaged property on 26th August, 2022 i.e. today.

Counsel for the Bank has pointed out that they were two other home loan accounts raised by the principal borrower against

the common mortgaged residential house owned by the deceased borrower himself.

3. The present petition has been filed seeking to stall the auction fixed for today in view of the non-availability of the Presiding Officer, DRT, Cuttack to take up the interim application filed for protection against the auction sale in the pending SA.

4. At the outset, counsel for the Bank, upon instruction, made a statement that there was no bidder available for participation in the auction fixed for today. He therefore submits that the present petition would be infructuous.

5. In view of the aforesaid stands of the Bank, the counsel for the Petitioner prays for permission to withdraw the writ petition.

6. Accordingly, the writ petition is dismissed as withdrawn.

(Jaswant Singh)

Judge

(M.S. Raman)

Judge