

IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.24852 of 2022

Krushna Chandra Sabat

....

Petitioner

Mr. Trilochan Barik, Advocate

-versus-

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

....

Opposite Parties

Mr. G.D. Kar, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
28.09.2022

Order No.

02.

This matter is taken up by virtual/physical mode.

1. Mr. G.D. Kar, counsel and his associates entered appearance on behalf of Opposite Party No.2 (Bank) and filed Vakalatnama in Court, which is taken on record.

2. The Petitioner, claiming to be one of the legal heirs and successor-in-interest of the original owner of the property, who had stood as guarantor for a loan, has approached this Court assailing the notice dated 13th September, 2022 issued by the Recovery Officer, DRT, Cuttack putting the attached property of the owner for auction sale on 13th October, 2022 towards satisfaction of the order dated 23rd July, 2010 passed in O.A N. 310 of 2009 by the Debts Recovery Tribunal, Cuttack.

3. At the outset, Mr. G.D. Kar, counsel appearing for the Bank submits that the proper remedy, if at all, is available to the Petitioner before the DRT, Cuttack in view of the provisions of Section 30 of the Recovery of Debts and Bankruptcy Act, 1993. He further submits that in case the Petitioner is prepared to pay some substantial amounts, then the Bank-Decree Holder would not to be averse for an amicable settlement.

4. In view of the above, the writ petition is dismissed with liberty to the Petitioner to seek his available remedy in accordance with law.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

