

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C). No.32279 of 2021

Mr. Muktikanta Khilar

....

Petitioner

Mr. Jatindra Mohan Rout, Proxy Counsel on
behalf of Mr. Soumendra Pattnaik, Advocate

-versus-

UCO Bank & Another

....

Opposite Parties

Mr. Bibhuti Bhusan Swain, Advocate for
Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

24.06.2022

Order No.

- 05.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** The Petitioner was an employee of the UCO Bank/Opposite Parties and had availed a housing loan for a sum of Rs.47.70 lakhs on 23d December, 2016 from UCO Bank, Zonal Office, Balasore. Due to financial indiscipline, the housing loan account was declared as NPA on 22nd May, 2021. A demand notice under Section 13(2) of the SARFAESI Act, 2002 was issued on 9th July, 2021, recalling the outstanding liability of Rs.56,63,705.77. Symbolic possession of the mortgaged residential house was assumed on 20th September, 2021 vide notice under Section 13(4) of the SARFAESI Act, 2002.
 - 3.** By filing the present petition, challenge has been laid to the aforesaid notice dated 20th September, 2021. When the case was taken up for hearing, it was pointed out that auction sale notice had been published on 25th April, 2022 fixing the date of auction of the mortgaged house on 30th May, 2022. Upon willingness of the

Petitioner to upgrade the loan account to a regular account, the Court had directed the Petitioner to deposit a sum of Rs.2.00 lakhs.

4. At the time of hearing, counsel for the Bank states that the amount of Rs.2.00 lakhs in compliance of the order passed by this Court was not deposited and the auction fixed for 30th May, 2022 has invited a successful bid for a sum of Rs.47,24,000/-. The outstanding liability stands at Rs.75,59,893/- as on 30th June, 2022.

5. At this stage, counsel for the Petitioner prays for permission to withdraw this writ petition.

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 Accordingly, the writ petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

June 24th, 2022 Cuttack

