

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.40522 of 2021

Swarna Lata Mohanty

....

Petitioner

Mr. Samir Kumar Mishra, Advocate

-versus-

Union Bank of India & Another

....

Opposite Parties

None

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M. S. SAHOO

Order No

ORDER (Oral)
03.01.2022

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner.
3. The Petitioner is stated to have purchased the property in question with possession from the owner-Bijay Kumar Padhy-Opposite Party No.2 vide Registered Sale Deed dated 9th September, 2021. The property in question happens to be offered as a co-lateral security by way of equal equitable mortgage by the said Bijay Kumar Padhy-Opposite Party No.2 much prior in time while raising a loan from Union Bank of India, Berhampur Branch/Opposite Party No.1. Since there was a default in payment of instalments by the said Bijay Kumar Padhy-O.P. No.2, recovery process under the SARFAESI Act, 2002 (in short, "The Act,2002") was initiated by the bank against O.P. No.2.
4. The challenge in the present Writ Petition has been laid to the symbolic possession notice dated 26th August, 2021 (Annexure-4) issued u/S. 13(4) of the Act, 2002, of the property in question being in his possession and adversely affected by Notice (Annexure-4).

5. After arguing for some time and having failed to convince us to invoke our writ jurisdiction, learned counsel for the Petitioner prays for permission to withdraw the Writ Petition to enable his client to seek his remedy in accordance with law.

6. Accordingly, the Writ Petition is dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M. S. Sahoo)
Judge

January 3rd, 2022
Cuttack.

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