

08.02.2023
Ct. 5
D/L 9
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WPA 2886 of 2023

Dipali Hari
-Vs-
State Bank of India & Ors.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay

.... for the petitioner

Ms. Soni Ojha

... for the respondent Bank

The petitioner seeks relief in relation to a Sale Notice dated 27th January, 2023 as well as an Auction Notice dated 1st February, 2023 with regard to the petitioner's vehicle. The respondent Bank has threatened to initiate legal action for recovery of the remaining dues.

The rights of the petitioner to the vehicle arise out of a Loan-cum-Hypothecation Agreement dated 14th October, 2015 executed between the petitioner and the Bank. It also appears that the petitioner filed a civil suit before the learned City Civil Court at Calcutta in December, 2022 seeking relief in terms of the earlier notices issued by the Bank. The petitioner also moved an application for temporary relief upon notice to the Bank on 4th February, 2023. The application for

temporary relief was rejected on 6th February, 2023. The present writ petition was filed on that very date, i.e. 6th February, 2023.

Apart from the dispute in the writ petition arising out of a contract between the petitioner and the Bank, the petitioner has also approached the City Civil Court for the same relief, which is now being urged before the Writ Court.

The writ petition is not maintainable for the above reasons. The petitioner is at liberty to approach a civil forum for relief.

WPA 2886 of 2023 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)