

20.12.2023
Court No. 13
Item No. 3
pk

**RVW 224 of 2023
In
FMA 441 of 2021**

**Smt. Soma Pratihari and another
Versus
The State Bank of India and others**

Smt. Soma Pratihari

.. applicant-in-person.

Mr. Debashis Saha

... for the respondent/bank.

1. Review is sought of the order dated 24.08.2023 on the ground that the petitioner's husband has not paid her maintenance amounts and hence she could not pay up the dues of the bank. Admittedly, the house in which the petitioner was residing was purchased with a loan from the State Bank of India.

2. The remedy of the petitioner has already been indicated in the order dated 24.08.2023. Matrimonial disputes and claims cannot be enforced against a third party bank.

3. The petitioner's remedy as already stated in the said order is before the Debts Recovery Tribunal against the bank or against the husband under the PWDV Act, 2005 and/or other matrimonial proceedings under the Hindu Marriage Act for maintenance, alimony and other remedies.

4. The learned counsel for the bank submits that they have already taken physical possession of the secured assets on 4th October, 2023 and have put up the same for auction sale in terms of the Rule 8 of the SARFEASI Rules, 2002.

5. This Court, therefore, finds absolutely no error apparent on the face of record. There is no new evidence that the petitioner has been able to bring on record for review of the order dated 24.08.2023.

6. Accordingly, R. V. W. 224 of 2023 is dismissed.

7. There will be no order as to costs.

8. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)