

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.870 of 2023

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Urmila Mishra, Wife of Dr. Satendra Nath Mishra, Resident of Mohalla-
Gajraj, Gaurakshni, Sasaram, P.O. and P.S.- Sasaram, District- Rohtas, At
Present Residence of C/o Late A.B. Mishra, Vill.- Kothara, P.O.- Mokar,
District- Rohtas.

... .. Petitioner/s

Versus

1. The State Bank of India through the Authorized Officer cum Chief Manager,
Stressed Assets Recovery Branch, at 2nd Floor, Patna Main Branch
Building, West Gandhi Maidan, Patna- 800001.
2. The State Bank of India, Bo- Gaurakshni Branch, Sasaram, Rohtas.
3. M/s Dr. A.B. Mishra Diagnostic Centre, Ravi Shankar Complex, Civil Lines,
Old G.T. Road, Sasaram, Rohtas.
4. Dr. Satendra Nath Mishra, S/o Dr. A.B. Mishra, Proprietor and Guarantor of
M/s A.B. Mishra Diagnostic Centre, at Mohalla- Gajraj Gaurakshni,
Sasaram, District- Rohtas.
5. State of Bihar, through the District Magistrate, Rohtas.
6. Rupesh Singh Son of Shree Bhagwan Singh, Resident of Premchand Path,
Gaurakshani, Near Railway Station, Sasaram, P.S. Sasaram, District Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Adv. Mr. Sanjay Kumar Pandey, Adv.
For the Respondent/s	:	Ms. Anuradha Singh (SC21) Mr. Kumar Samarjeet Singh, AC to SC 21 Mr. S. D. Sanjay, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

14 02-05-2024 Heard the parties.

2. The present writ petition is filed for the following
relief(s):-

*“(i). For setting aside the order dated
21.10,2022 passed in SARFAESI Appeal 17
of 2021 by Presiding Officer Debt*



Recovery Tribunal, Patna.

(ii). For setting aside the entire SARFAESI Proceeding till confirmation of e-auction initiated and conducted by the State Bank of India through the Authorized Officer cum Chief Manager, Stressed Assets Recovery Branch, at 2nd Floor, Patna Main Branch Building, West Gandhi Maidan, Patna-800001.

(iii). For staying the process of the delivery of possession of E-Mortgage Property under Guarantee given to the SBI against Term Loan Facility of M/s Dr. A. B. Mishra Diagnostic Center by the Petitioner.

(iv). For providing a direction to the Bank for not disturbing Civil Status of M/s Dr. A. B. Mishra Diagnostic Center and its proprietor and continue its Loan Facility in view of the Guarantee and E. Mortgage of petitioner against such loan and also in view of facts and circumstances of the case.

(v). For Interest/Cost and Compensation for loss and harassment due to non application of law for converting Loan Facility to the Debt.”

3. Having regard to the Judgment of Hon'ble Supreme Court as reported in **(2024) 2 SCC 1 (CELIRLLP V. BAFNA MOTORS (MUMBAI) PVT LTD & ORS)**, this Court is not inclined to entertain the present writ petition. The present CWJC is disposed of leaving it open to the petitioner to challenge the sale notice for any other order, i.e., aggrieved before the appropriate forum as available under the SARFAESI Act or any other law.



4. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

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