

GAHC040009872024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/316/2024

Tai Tayu
Son of Tai Sakap, resident of TT Apartment, D Section, Naharlagun, PO and PS
Kamin, Papumpare District, Arunachal Pradesh 791110

VERSUS

The State Bank of India and 2 Ors
represented by the Branch Manager, Nirjuli Branch, Arunachal Pradesh, Papumpare
District, Arunachal Pradesh 791109 2:The Authorised Officer

Age: 0

Occupation :

Stressed Assets Management Branch

MRD Road

Bamunimaidan

Guwahati 781021

District Kamrup(M)

Assam

3:The Assistant General Manager

Age: 0

Occupation :

State Bank of India

Bamunimaidan Branch

Guwahati 781021

District Kamrup (M)

Assa

Advocate for the Petitioner : P Chakraborty

Advocate for the Respondent : H R Obing

**BEFORE
HONBLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

14.08.2024

Heard Ms. P. Chakraborty, learned counsel for the petitioner.

The petitioner is a borrower under respondent Bank and the loan had become overdue and accordingly, actions were taken under the Recovery of Debt and Bankruptcy Act, 1993. Now, the Bank is in the process of taking possession of the mortgage property.

It is the case of the petitioner that the petitioner wants to settle the dispute and is ready to offer 50,00,000/- deposit against the total due of 1,37,03,914/-,

In the aforesaid backdrop, though an interim order was pressed by the learned counsel for the petitioner, this Court think it prudent to hear the bank.

Accordingly, the petitioner was directed to serve extra copies of the writ petition upon the respondent Nos. 1 and 2 intimating that the matter has fixed for consideration today and interim prayer also be considered today. A direction was also issued to the petitioner to file affidavit in proof of such service.

The petitioner has filed affidavit in proof of such service, this Court is satisfied that the notice was duly served upon the respondents as regards the pendency of the writ petition as well as the order dated 07.08.2024.

Though the learned counsels namely Mr. T. John and Mr. M. Lalini, has entered appearance on behalf of the bank, however, they candidly submits that they are without any instruction from their client.

That being the position, the matter was fixed on the post lunch session, however, none appears for the respondent Bank, when the matter was called in post lunch session.

Ms. P. Chakraborty, learned counsel for the petitioner submits that the said

learned counsel has intimated her that they require some more time to obtain instruction.

Be that as it may, as none appears for the respondent Bank, let a notice be issued to the respondents returnable on 20.09.2024.

The petitioner to take steps for issuance of notice upon the respondents by way of registered post with A/D as well as by usual process within a period of five days from today.

In addition, the petitioner is also permitted to take steps through dasti service upon the respondents, however, same should be routed through the Registry of this Court and thereafter, file an affidavit in proof of such service.

Let a notice on interim prayer also be issued returnable on the same date.

The petitioner is permitted to make a mention for listing urgently, if any coercive action is taken against the petitioner within the returnable date.

Registry to list this matter showing the name of the learned counsel for the respondent Bank in the cause list.

JUDGE

Comparing Assistant