



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34551 of 2025

Md. Ehtesham Aboobaker* *Petitioner

*Mr. Purna Chandra Das,
Advocate*

-versus-

***Jana Small Finance Bank
Ltd. Bhubaneswar and
others* *Opp. Parties***

*Mr. Bibhuti Bhusan Swain,
Advocate for the opp. party no.1*

CORAM:

**THE HON'BLE MR. JUSTICE S.K. SAHOO
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA**

ORDER

17.12.2025

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This writ petition has been filed by the petitioner Md. Ehtesham Aboobaker with a prayer for a direction to the opp. parties to settle the loan account as per the RBI guidelines and the insurance covered.

As per the previous order dated 12.12.2025, Mr. Swain, learned counsel appearing for the opp. party no.1 has filed an affidavit of the Legal Officer, Jana Small Finance Bank Ltd. Cuttack and a copy of the same has been served on the learned counsel for the petitioner.

In paragraph no.3 and 4 of the said affidavit, it is stated as follows:



"3. That the petitioner is the brother of one of the borrower namely Mr. Mohammed Aslam Aboobaker. The said borrower Mr. Mohammed Aslam Aboobaker died on 22.05.2025 and soon after his death the opp. party no.1-Bank lodged claim before the Insurance Company-opp. party no.2 as per policy under Annexure-5. As per instruction from the Insurance Company the claim is at the processing stage of disbursement and the bank is yet to receive the claim. In the meantime the repayment of EMIs has been stopped since September, 2025 and the loan account turned to NPA in the 1st of December, 2025. However, the bank has not taken any recourse to the provisions of the SARFAESI Act awaiting the insurance claim to be received from the Insurance Company.

4. That it is humbly submitted that the exact outstanding to be paid by the borrowers/guarantor would be clear only after receiving the insurance claim and adjustment thereof in the loan account. Copy of settlement of Loan A/c no.32528640000169 on 06.03.2024 is filed herewith as Annexure-A/1."



Since, for adjudication of the issues raised in the writ petition, the presence of the opp. party no.2 is necessary, issue notice to the opposite party no.2 on the question of admission indicating therein that the matter shall be disposed of finally at the stage of admission.

Requisites for issuance of notice to the opp. party no.2 by speed post/registered post with proof of delivery shall be filed by Friday (19.12.2025).

List this matter in the week commencing from 05.01.2026.

Counter affidavit, if any, be filed in the meantime after serving a copy of the same on the learned counsel for the petitioner.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

Rajesh