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(2014) 01 PAT CK 0120

In the Patna High Court

Case No : C.W.J.C. No. 6930 of 2013

Madhuri Devi — APPELLANT

Vs

Dena Bank and Others — RESPONDENT

Date of Decision : 29-01-2014

Acts Referred:

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 — Section 13(2), 13(3-A)

Citation : (2015) 1 BC 275

Hon'ble Judges : Ramesh Kumar Datta, J

Bench : Single Bench

Advocate : Alok Kumar Choudhary, Advocates for the Appellant; Sheela Sharma, Jitendra Kumar Roy and Shivendra Kumar Roy, Advocates for the Respondent

Judgement

Ramesh Kumar Datta, J.—Heard learned Counsel for the petitioner and learned Counsel for the respondent Dena Bank. The petitioner has approached this Court against the proceedings under the SRFAESI Act initiated by the respondent Bank.

2. It is submitted by learned Counsel for the petitioner that notice under Section 13(2) of the said Act was issued to the Petitioner on 28th April, 2008 to which the petitioner filed her objection on 26th May, 2008 which has not yet been disposed of by the Bank contrary to the provisions of Section 13(3-A) of the Act and on the other hand, the respondent-Bank has proceeded with the matter and issued a notice of possession on 25th February, 2013. Certain complaints have also been made by the petitioner regarding the non-cooperation by the Bank in the realisation of the dues from the Insurance Company which insurance was made through the Bank and the amount was debited from the account of the petitioner and subsequently during the currency of the insurance policy, the shop of the petitioner was burgled and the goods were stolen by thief, with respect to which the matter is pending before the Consumer Forum since the year 2004.

3. This Court is of the view that the Bank has not acted with any sense of responsibility in the matter. If the insurance had been made through the Bank,

then all co-operation ought to have been made to the petitioner by the Bank with respect to recovery of the amount.

4. Moreover, once an objection is filed against the notice issued under Section 13(2) of the SARFAESI Act, the Bank is obliged to file reply to the same which is also alleged not to have been done.

5. In the aforesaid circumstances, the writ application is disposed of with a direction to the respondent-Bank to reply to the objection filed by the petitioner on 26th May, 2008. Until passing of the order on the objection of the petitioner, the order dated 25th February, 2013 shall remain in abeyance.

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