

CMPMO 316 of 2008

31.12.2008

Present: Shri D.K. Sharma and Shri Y.Paul, Advocates for petitioner.
Shri Ajay Kumar, Advocate, for the respondent.

It is undisputed before me that the respondents have alleged that the petitioner herein is guarantor to the debt for which proceedings have been initiated before the learned trial Court. The provisions of Section 29 of the State Financial Corporations Act, 1951 cannot be invoked against the guarantor as has been held by Supreme Court in *Karnataka State Financial Corporation Vs. N.Narasimahaiah and others (2008) 5 SCC 176*. This petition is accordingly disposed of. The impugned order is quashed and set aside. It will be open to the respondent Financial Corporation to seek a remedy against the petitioner in accordance with law. The claim of the petitioner herein that the suit against him is time barred has not been determined in these proceedings. It will be open to the parties to establish their respective claims, including limitation etc. before the competent Court.

December 31, 2008(ms)

(Dev Darshan Sud), J.

