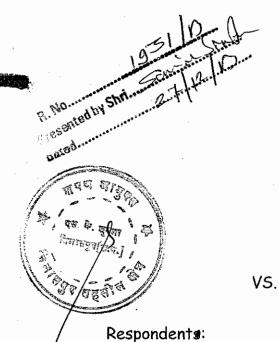
F. Evol D

Before the Hon'ble High Court of Chhattisgarh at Bilaspur

Writ Petition (C) No. 193/ /2012

Single Bench

Petitioner/Plaintiff:



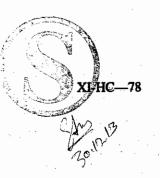
- Anil kumar Soni, aged about-25 years,
 Occupation: Business,
- Sunil Kumar Soni, aged: 29 years,
 Occupation: Business, both are S/o shri
 Vinod Kumar Soni
- 3. Sulochana Soni, W/o shri Vinod Kumar Soni, Occupation: Housewife.

 All are R/o: Jaiswal Gali, Ghandhi Chowk, Main Road P.S.- Kotwali,

 Civil and Revenue District:- Korba,
 Korba. (C.G.)

Authorized Officer, Bank of Baroda, S.S. Plaza Road, Power House Road, Korba P.S.- Kotwali , Civil and Revenue District:- Korba, Korba. (C.G.)

Writ Petition under Article 226 of Constitution of India for issuance of Proper Writ/ Order/ Direction to the Respondent.



उच्च न्यायालय, छत्तीसगढ़, बिलासपुर ७१८) –1931/13 मामला क्रमांक सन् 20

आदेश पत्रक (पूर्वानुबद्ध)

आदश पत्रक (पूपानुबद्ध)		
आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Single Bench: Hon'ble Shri	Justice Sanjay K. Agrawal
	<u>30-12-2013</u>	
<i>i</i> !	Shri Samir Singh, cou	sel for the petitioners.
	At the outset, le	arned counsel for the
	petitioners would submit	that in view of the
	observation made by the Su	preme Court in paragraph
	22 of its decision in U	nited Bank of India vs.
	Satyawati Tondon and othe	s, (2010) 8 SCC 110, an
	appeal would be maintaina	ple before the Appellate
	Tribunal and, therefore	, the petitioners be
	allowed to withdraw the in	stant writ petition with
	liberty to invoke the ju	risdiction of Appellate
	Authority under Section	17 of the Recovery of
	Debts Due to Banks and Fir	ancial Institutions Act,
	1993.	
	The Supreme Court obs	rved in Satyawati Tondon
	case (supra) as under:	
	"22. Section 17 speak available to any personal borrower who may have the action taken by the under sub-section (Such an aggrieved papplication to the days from the date taken under that sub-	rson including the e grievance against he secured creditor (a) of Section 13. Person can make an Tribunal within 45 on which action is



उच्च न्यायालय, छत्तीसगढ़, बिलासपुर ८*८८(८)-1931/1*3 **मामला क्रमांक** सन् 20

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	abundant caution, an added to Section 17(clarified that the reasons to the bor	1) and it has been communication of rower in terms of
	Section 13(3-A) shal ground for filing Section 17(1)."	
	The second of th	rvation, the petitioners
	are permitted to without	raw the instant writ
	petition with liberty t	b invoke the appellate
	jurisdiction of the Tribun	al.
	The writ petition is	dismissed as withdrawn
in the second se	with liberty to the pet	itioners to invoke the
	appellate jurisdiction of	the Tribunal.
	In view of above, I.A	.No.1 for grant of stay,
	I.A.No.2 for urgent hea	ring and I.A.No.3 for
	hearing during winter holi	days stand disposed of.
	Certified copy today.	Sd/- Sanjay K. Agrawal
		Vacation Judge
Gopal		
		