



**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WP227 No. 375 of 2024**

1. Braj Bhushan Painkra, S/o Jai Singh Painkra, Aged About 40 Years, R/o New Sales Tax Colony, Khamardih, Shankar Nagar, Raipur, District- Raipur (C.G.)
2. Jai Singh Painkra, S/o Kanwal Sai Painkra, Aged About 70 Years, R/o New Sales Tax Colony, Khamardih, Shankar Nagar, Raipur, District- Raipur (C.G.)
3. Sunita Painkra, W/o Braj Bhushan Painkra, Aged About 34 Years, R/o New Sales Tax Colony, Khamardih, Shankar Nagar, Raipur, District- Raipur (C.G.)

**---- Petitioners**

**Versus**

- Tata Capital Financial Services Ltd., Through Its Authorized Officer Ayan Bhattacharya, Office at 1<sup>st</sup> Floor, Pujari Complex, Pancpadi Naka, Tikarapara, Raipur, District- Raipur (C.G.)

**---- Respondent**

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For Petitioners : Mr. Jitendra Nath Nande, Adv.

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**Hon'ble Shri Justice Naresh Kumar Chandravanshi**

**Order On Board**

**02.05.2024**

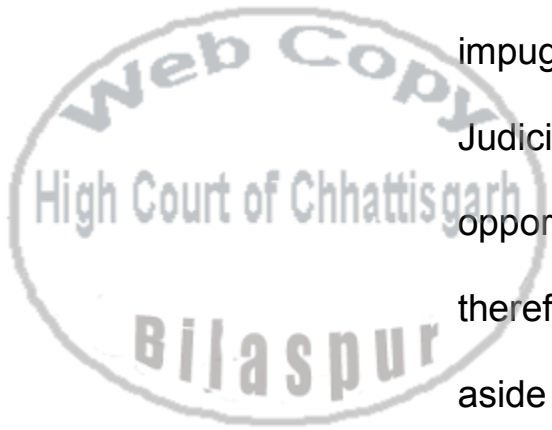
1. Heard.
2. This petition has been preferred by the petitioners under Article 227 of the Constitution of India challenging the order dated 19.01.2024 (Annexure-P/1) passed by the learned Chief Judicial Magistrate, Raipur



(C.G.) in MJC Case No.1255/2022 whereby application filed by the respondent under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act, 2002') is allowed and direction has been issued to the Revenue Authorities to handover the possession of mortgaged property to the respondent.

3. Learned counsel for the petitioners submits that impugned order has been passed by the learned Chief Judicial Magistrate, Raipur without affording them opportunity of hearing and it has been passed ex-parte, therefore, he submits that impugned order may be set aside and at least one opportunity may be given to them to place their stand in the above application.

4. Petitioners have filed the certified copy of the impugned order dated 19.01.2024 (Annexure-P/1) passed by learned Chief Judicial Magistrate, which shows that since petitioners did not appear before the Chief Judicial Magistrate, therefore, ex-parte proceeding was initiated against them and subsequently, impugned order has been passed. Since petitioners themselves did not appear before the Chief Judicial Magistrate, which was compelled him to pass impugned order ex-





parte. Further, there is efficacious remedy available to the petitioners to challenge the impugned order under Section 17 of the SARFAESI Act, 2002, therefore, I do not feel inclined to entertain instant petition invoking extraordinary jurisdiction of this Court.

5. In view of above, this petition is **dismissed** at motion stage, however liberty is left with the petitioners to take recourse of law available to them.

Sd/-

(Naresh Kumar Chandravanshi)  
Judge

