

I.A. No. 183/2021 In Appeal Dy. No. 51/2021
Date: 09.03.2022

Master Anurag Kumar and Ors. Vs. Canara Bank & Ors.

Present: Shri Ashok Pandey, counsel for the appellant,
Shri S. K. Srivastava, counsel for the respondent-Bank,
Shri M. K. Srivastava, counsel for the respondents No 3 & 4-
Auction Purchasers,

Learned counsel for the appellants has moved an I.A. No. 183/2021 and copy of the same has been served upon the counsel for the respondent-Bank.

Learned counsel for the respondents-Auction Purchasers submits that the copy of the memo as well as the application has not been given to him, although the learned counsel for the appellant submits that the same has been served. However, the learned counsel undertakes to serve the same again upon the learned counsel for the auction purchasers within 24 hours.

Learned counsel for the appellants further submits that inspite of the order dated 08.04.2021 passed by this Tribunal, whereby the auction purchaser was restrained from creating third party interest in the property till next date, the third party interest has been created and the appellants have been dispossessed. Further, the unhypothecated movables belonging of the appellants have also been taken away by the Bank and even inventory was prepared, but the same has not been served upon the appellants till date. For the said acts of the Bank, the appellants have sent a letter to the Chief Manager, Canara Bank, Patna with a copy to the Police Authority (DIG) for taking appropriate action.

Learned counsel for the respondent-Bank states that since the copy of the interim application has been served today, therefore,

he seeks time for seeking instruction from the Bank with regard to the claim of the appellants made in the interim application. Further, the learned counsel states that no action has been taken by the Bank with regard to the property in question.

List this case on 04.04.2022 for hearing on the interim application filed by the appellant.

Justice R. D. Khare
Chairperson

VN Giri