

Court No. - 37

Case :- WRIT - C No. - 38076 of 2017

Petitioner :- M/S S.K. Trading Company And Another

Respondent :- State Bank Of India Firozabad And 3 Others

Counsel for Petitioner :- Aklank Kumar Jain, Sujeet Kumar

Counsel for Respondent :- C.S.C., Satish Chaturvedi

Hon'ble Amreshwar Pratap Sahi, J.

Hon'ble Rajiv Lochan Mehrotra, J.

Heard Sri Aklank Kumar Jain, learned counsel for the petitioners and Sri Satish Chaturvedi, learned counsel for the respondent/bank.

The petitioners have come up apprehending action by the respondents under the SARFAESI Act, 2002.

The background in which the petitioners have come before us that they had previously filed a Writ C No.29823 of 2017 against the possession notice under the SARFAESI Act, 2002 and the Rules framed thereunder where an order was passed on 12.07.2017. The said writ petition is still pending.

We do not find any reason to entertain a second writ petition arising out of practically the same cause of action in respect of the same recovery.

The writ petition even otherwise would not be maintainable keeping in view the law laid by the Apex Court in the cases of **United Bank of India Vs. Satyawati Tondon and others, (2010) 8 SCC, 110, Kanaiyalal Lalchand Sachdev and others Vs. State of Maharashtra and others (2011) 2 SCC, 782** and **Jagdish Singh Vs. Heeralal and others, (2014) 1 SCC, 479.**

Writ petition is consigned to records.

Order Date :- 23.8.2017

R./