

Court No. - 6

Case :- WRIT - C No. - 27084 of 2023

Petitioner :- Anar Devi

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Pravin Kumar, Abhijit Mishra

Counsel for Respondent :- C.S.C., Sanjai Singh

Hon'ble Mrs. Manju Rani Chauhan, J.

In Re.: Civil Misc. Substitution Application No. 3 of 2023

Heard.

The substitution to implead the applicants being legal heirs of the petitioner - Anar Devi who is stated to have passed away during pendency of this writ petition, on 06.08.2023, is allowed.

Learned counsel for the petitioner may carry out necessary correction in the array of parties, accordingly, during course of the day.

Order on Writ Petition

This writ petition has been filed challenging recovery certificate dated 27.02.2023 issued by respondent no. 3.

Learned counsel for the petitioner submits that the late Anar Devi took a loan of Rs. 80,000/-, however, due to personal difficulty she could not re-pay the installments, therefore, recovery certificate for an amount of Rs. 4,72,918/- has been issued against her. Learned counsel for the legal heirs of late Anar Devi, who have been substituted as petitioners, are ready and willing to deposit the entire recovery amount in installments within the time as stipulated by this Court.

Sri Sanjai Singh, learned counsel appearing for the Bank fairly states that the Bank is interested in realizing the entire amount alongwith interest and if the petitioners deposit the amount within the time granted by this Court, no further action shall be taken against them by the Bank.

Heard learned counsel for the parties and perused the record.

With the consent of learned counsel for the parties, this writ petition is being disposed of finally at this stage, in terms of

Rules of the Court, without calling for counter affidavit.

Considering the facts and circumstances of the case and in the interest of justice, the present writ petition is disposed of with the following directions:-

(i) The petitioners shall deposit a sum of Rs.50,000/- as a first installment on or before 04.12.2023. After payment of the said installment, the Bank shall provide statement of account within a week calculating and adjusting the amount / installments paid by the petitioners. Thereafter, the entire balance amount shall be deposited by the petitioners in six equal quarterly installments.

(ii) The installments shall be deposited in first week of respective calendar month.

(iii) Recovery proceedings during this period will be kept in abeyance. In case petitioners commit default in depositing any of the installments within the above stipulated time, it will be open to the respondents to start recovery proceedings again by taking coercive process to which the petitioners undertake not to challenge.

(iv) If the entire amount is deposited by the petitioners, as directed above, no recovery charges shall be realized from the petitioners.

(v) If any fact stated by the petitioners is found to be incorrect, it will be open for the authorities to move an application for modification/recall of the order.

Order Date :- 26.10.2023

DS