

Court No. - 3

Case :- WRIT - C No. - 29578 of 2023

Petitioner :- Prabhu Dayal

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

Counsel for Petitioner :- Shiv Prasad

Counsel for Respondent :- C.S.C., Satish Chaturvedi, Sumit Kakkar, Varad Nath

Hon'ble Siddhartha Varma, J.

Hon'ble Shekhar B. Saraf, J.

1. Heard learned counsel for the petitioner; learned Standing Counsel and learned counsel appearing for the respondent-Bank.

2. Instructions filed today be kept on record.

3. It is stated that the petitioner had taken a home loan but the same could not be repaid as per the terms of the agreement. As per the order dated 23.11.2023, the petitioner had approached the Bank and the Bank in response to the letter of the petitioner dated 1.12.2023 had fixed certain installments. This letter, however, never reached the petitioner. Learned counsel for the respondent-Bank states that the Bank is, however, agreeable of the fixing of easy installments.

4. Under such circumstances, having regard to the fact that the petitioner has offered to pay the entire amount due against him and the Bank has agreed to accept the amount, ends of justice require that the petitioner be granted an opportunity to deposit the entire outstanding amount due against him in the following manner:-

(i) Petitioner shall deposit 25% of the amount sought to be recovered within a period of one month from today with the

respondent Bank.

(ii) In case the amount, as indicated above, is deposited by the period prescribed, the respondent Bank shall provide a fresh schedule for re-payment of balance amount and the statement of up to date interest which might have accrued, after adjusting the amount already deposited. That amount shall thereafter be deposited in three equal monthly instalments. Statement of account shall also be furnished to the petitioner.

(iii) No recovery charges shall be recovered from the petitioner by the respondent authorities.

(iv) Till the period prescribed for depositing the aforesaid amount and thereafter during the period of deposit of instalments, the recovery proceedings will be kept in abeyance. In case the petitioner defaults in depositing the initial amount or thereafter instalments within the stipulated period, it will be open for the respondents to start recovery proceedings against the petitioner.

5. With the aforesaid observations/directions, the writ petition stands disposed of. No order as to costs.

Order Date :- 12.12.2023

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(Shekhar B. Saraf, J.)

(Siddhartha Varma, J.)