

Court No. - 3

Case :- WRIT - C No. - 35006 of 2023

Petitioner :- Tej Bhadur Singh

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Shyam Sunder Tripathi

Counsel for Respondent :- A.S.G.I., Manish Trivedi

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

Heard learned counsel for the petitioner, learned Standing Counsel and Sri Manish Trivedi, learned counsel for the respondent nos.2 and 3.

It is stated that the petitioners had taken a home loan on 16.03.2015 of Rs.6,47,252/-. Thereafter a top up loan was taken of Rs.8,32,012/- on 16.03.2015 and on 29th March, 2019 another top up loan of Rs.5,70,000/- was taken. The total amount taken thereof was of Rs.20,49,264/-. The petitioner has stated that he had paid E.M.I. regularly till the month of August, 2022. The amount which became due to the Bank after August, 2022 was as per the counsel for the Bank Rs.9,03,466 as on the 4th October, 2023. He also states that the total amount now payable is of Rs.4,75,612/-.

The crux of the matter, therefore, is that the petitioner in view of the loan which he had taken on 16.03.2015, 16.03.2015 and 29.03.2019 of Rs.20,49,264/-, Rs.9,03,466/- was payable. This amount learned counsel for the petitioner states that he is ready and willing to deposit the amount, in case he is permitted to do so in easy instalments.

Sri Manish Trivedi, learned counsel for the Bank states that the Bank is ready to accept the amount as the auction could not be done on the date fixed as nobody applied for the same.

Having regard to the fact that the petitioners have offered to pay the entire amount due against them and the Bank has agreed to accept the amount, in our view, ends of justice require that the petitioners be granted an opportunity to deposit the entire outstanding amount due against them in the following manner:-

(i) Petitioners shall deposit 25% of the amount sought to be recovered within a period of three weeks 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, after adjusting the amount already deposited. That amount shall thereafter be deposited in four equal instalments in a period of six months. Statement of account shall also be furnished to the petitioners.

(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 petitioners default in depositing the initial amount or thereafter instalments within the stipulated period, it will be open for the respondent to start recovery proceedings against the petitioners.

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

Order Date :- 30.10.2023/Raj