

Court No. - 17

Case :- WRIT - C No. - 10328 of 2023

Petitioner :- Jagvant Singh And Another

Respondent :- District Magistrate, Distt. Kheri And 3 Others

Counsel for Petitioner :- Alok Singh

Counsel for Respondent :- C.S.C., Vinay Shankar

Hon'ble Alok Mathur,J.

1. Heard Sri Alok Singh, learned counsel for the petitioners, learned Standing counsel on behalf of respondent Nos. 1 to 3 and Sri Vinay Shankar, learned counsel appearing on behalf of respondent-bank and perused the record.

2. By means of the present writ petition, the petitioners have prayed for quashing the recovery proceeding initiated by the Tahsil authority Gola District - Kheri after summoning the recovery certificate issued against the petitioners.

3. It has been submitted by learned counsel for petitioners that petitioner is a farmer and has obtained a Kishan Credit Card Loan amounting of Rs. 94000/- from Indian Bank Brnach - Gola, District - Kheri in the year 2012 for agricultural purposes for which they had mortgaged their land situated at Gram Harriaya, Tahsil - Gola, District Kheri.

4. It has been submitted that due to some financial crunch and also due to Covid-19 pandemic, the petitioners could not pay the installments of the loan amount in time .

5. Learned counsel fro petitioner has submitted that petitioners are ready and willing to repay the outstanding amount in easy installments.

6. Learned counsel for the respondent-bank on the basis of instructions submits that in case the petitioners are ready and willing to repay the outstanding amount, the respondent-bank would have no objection in case the same is repaid in easy installments.

7. In view of the above and with the consent of the parties the petition is disposed of finally with following directions:-

(i) The petitioner shall deposit an amount of Rs.40,000/- within four weeks from today.

(ii) In case the petitioners deposit the said amount, the no coercive against the petitioner shall be taken.

(iii) The remaining amount shall be deposited by the petitioner in four equal quarterly installments starting from 25th March 2024.

(iv) The respondent bank shall intimate to the petitioner the total outstanding amount along with interest prior to falling due of the last installment so that the petitioner can pay the entire amount along with interest in the last installment.

(v) In case the petitioners do not pay or fail in depositing any of the aforesaid installments the benefit of this order shall not be available to him and the bank shall be at liberty to recover the same in accordance with law.

(Alok Mathur, J.)

Order Date :- 24.11.2023

Ravi/