

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9937 of 2015**

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Saroj Kumar Jha Son of Late Deo Chandra Jha Resident of Village + P.O. Mehath P.S. Jhanjhanpur, (Bhairav Asthan), District - Madhubani, presently residing in New C-1 /01 Rajendra Agriculture University Campus, Pusa Samastipur and the then residing at Mohalla- Purani Gudari Road , P.S. Town , District - Muzaffarpur.

.... .... Petitioner/s

Versus

1. Debts Recovery Tribunal through its Registrar, Patna.
2. The Recovery Officer, Debt Recovery Tribunal , Bihar, Patna.
3. Punjab National Bank, Rajendra Agriculture University Branch , Pusa, District - Samastipur through its Branch Manager.
4. M/S Shiva Video Cassettes, situated at Mohalla- Purani Gudari, Town & District - Muzaffarpur through its proprietor namely Jitendra Kumar Jha , Son of Late Deo Chandra Jha.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra, Adv.  
For the Respondent/s : Mr. Kumar Priya Ranjan, Adv.  
M/s. Gunja, Adv.

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
ORAL JUDGMENT

**Date: 14-08-2015**

Heard learned counsel for the petitioner and the respondents.

2. The present petition has been filed for setting aside the order no. 166/2001/812 dated 25/27.08.2014 passed by the Respondent Recovery Officer for attachment of the petitioner's Savings Bank Account No. 4512000400009173 with the Punjab National Bank, Rajendra Agriculture University Branch, Pusa, Samastipur and the consequential order dated 03.09.2014 of the Respondent Punjab National Bank with regard to the aforesaid Bank Account of the petitioner having been frozen.

3. The petitioner is the guarantor in respect of a loan having been obtained by M/S Shiva Video Cassettes for the purposes of its business which however was not repaid by the

said principal debtor leading to R.P. Case No. 166 of 2001 before the Debts Recovery Tribunal, Patna.

4. It is submitted on behalf of the petitioner that even though he has approached the Debts Recovery Tribunal, Patna in the said case with a representation for recall of the order of attachment aforesaid on the ground that he was prepared to make a payment of Rs. 5,00,000/- by way of a compromise settlement, the same has not been considered and the petitioner is suffering considerably as he is unable to receive his salary in the account.

5. Learned counsel for the Respondent No. 3 appears and opposes the writ petition also on the ground of its non maintainability inasmuch as the State Bank of India which had advanced the loan to the principal debtor being a necessary party has not been impleaded as respondent party herein.

6. Without entering into these questions, this writ petition is being disposed of with consent of parties, granting liberty to the petitioner to pursue his aforesaid representation, if pending, before the Debts Recovery Tribunal, Patna for appropriate orders expeditiously in accordance with law.

7. The writ petition stands disposed of.

**(Vikash Jain, J)**

Md. Ibrarul/-

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