IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2474 of 2009

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Bimala Devi Agrawal, W/o Onkarmal Agrawal, resident of Ram Manohar Latiya Path Bus Stand, Forbesganj, P.S. Forbesganj, Dist. Araria.

.... Petitioner/s

Versus

1. The G.M., State Bank of India, East Gandhi Maidan, Patna-1.
2. The Regional Manager, State Bank of India, Region IV Regional Office, Purnea.
3. The Manager, State Bank of India, Forbesganj Branch, P.S. Forgesganj, Dist. Araria.
4. The Field Officer, State Bank of India, Forbesganj Branch, P.S. Forbesganj, Dist. Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
Mr. Ojaswee Kr., Adv.

For the Respondent/s : Mr. K.K. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

3 12-01-2015 Heard learned counsel for the parties.

Learned counsel for the petitioner submits that during pendency of the writ application, subsequent events have taken place and the petitioner has cleared the loan by depositing the amount as per the mutual understanding on account of which this writ application now has been rendered infructuous.

This writ application which was filed on 20.2.2009 and in which the Bank was directed to file counter affidavit by order dated 26.2.2009 while giving interim protection to the petitioner, there is no counter affidavit as yet. To top it all, Mr. Kaushlendra Kumar Sinha, learned counsel for the Bank has submitted that he has got even no instruction as on date.

In that view of the matter, this Court cannot keep the writ application pending specially when neither the facts asserted in the writ application has been controverted nor the submissions made at Bar by the learned counsel for the petitioner has been in any way sought to be denied.

When this part of the order has been dictated, learned counsel for the petitioner submits that the petitioner had submitted the Matriculation mark-sheet and certificate for grant of loan which also has not been returned to him as yet. Learned counsel for the Bank submits that he does not have any instruction in this aspect because this was never sought to be raised in the writ application.

Be that as it may, if the petitioner's claim for loan has been rejected, the respondents will definitely be liable to return the document which was submitted by the petitioner in the form of Matriculation certificate/mark-sheet.

This writ application is, accordingly, disposed of as having become infructuous.

(Mihir Kumar Jha, J)

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