

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3488 of 2011

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Kishori Thakur, S/O Late Bhanu Thakur, Resident Of Village Chuhari, P.O. Chuhari, P.S. Chanpatia, District West Champaran.

.... Petitioner/s

Versus

1. State Bank of India through Chief Manager (Rural), Regional Business Office, Bettiha.
2. The Chief Manager (Rural), Regional Business Office, Bettiah.
3. The Branch Manager, State Bank of India AMY Shikarpur Branch, P.O. Narkatiaganj, P.S. Narkatiaganj, District West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh

For the Respondent/s : Mr. Kaushlendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 18-05-2015

Heard the parties.

The matter at issue is the action taken by the respondent State Bank of India and its officers under Section 13(4) of The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short “SARFAESI Act”).

In view of the law laid down by the Hon’ble Apex Court in the case of **United Bank of India Vs. Satyawati Tondon [(2010) 8 SCC 110]** particularly in paragraph nos.42, 43, 44, 45, 46 and 55 of the said judgment, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to approach the learned Debts Recovery Tribunal, Patna under Section 17(1) of the SARFAESI Act.

Permission is accorded.

The present writ petition stands disposed of as withdrawn with the liberty aforesaid.

If such an application/appeal is filed on behalf of the petitioner before the learned Debts Recovery Tribunal, Patna within a period of four weeks from today with a certified copy of the present order and, if it is found that it has become barred by limitation and any petition is filed on behalf of the petitioner for condonation of such delay, then the learned Debts Recovery Tribunal, Patna shall take into consideration that, on a bona fide legal advice, the present writ petition was filed on 22.02.2011 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

Arvind/-

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