

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4677 of 2009

=====

Chhanguri Singh son of Uchit Singh, resident of village Mahaddipur, P.S. & Anchal Gogri, District Khagaria.

.... Petitioner/s

Versus

- 1.The State Bank of India through its General Manager, Patna, Bihar.
- 2.The Branch Manager, State Bank of India, Maheshkhunt Branch, P.O. & P.S. Maheshkhunt, district Khagaria.
- 3.M/s Prakash Traders, Authorised Dealer of M/s Mahindra & Mahindra, M.G. Road, District Khagaria.
- 4.Jitendra Chaurasiya, son of Shri Mahendra chaurasiya, resident of Village Jhanjhara, P.S. Pasraha, District Khagaria.

.... Respondent/s

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 16-01-2015 Heard learned counsel for the parties.

The prayer of the petitioner in this writ
application reads as follows:-

“That this application is being filed for issuance of a writ/writs, order/orders and direction/directions to the respondent no. 2 and 3 to give the documents of the Tractor of the petitioner and from that day the respondent no. 2 calculate the loan amount as per law and further for any other relief or reliefs for which the petitioner may be found legally entitled to under the facts and circumstances of the case.”

Learned counsel for the petitioner at the outset in support of the aforementioned prayer has submitted that when the Tractor has been purchased by the petitioner with the help of the loan of the State Bank of India (hereinafter referred to as the Bank) the bank ought to

have handed over requisite document of such Tractor.



The matter is not so simple as has been projected by learned counsel for the petitioner. In fact learned counsel for the Bank has drawn attention of this Court towards communication dated 20.12.2006, whereby and whereunder, the petitioner was informed through his counsel serving legal notice on the Bank that the relevant papers of the Tractor should be produced. The petitioner in fact despite being aware of the aforesaid communication had however gone to file a money suit, in the Court of Sub-Judge-I, Khagaria being Money Suit No. 30 of 2007 and therefore, according to learned counsel for the Bank, two remedies cannot be availed by the petitioner.

Learned counsel for the petitioner in such a situation seeks permission to withdraw this application in order to enable the petitioner to raise this issue also in the pending money suit.

At this stage Mr. Kaushlendra Kumar Sinha,

learned counsel appearing on behalf of the Bank has submitted that the Bank may be allowed to realize the amount of loan of the Tractor advanced to the petitioner.

In the considered opinion of this Court, the scope of this writ application as with regard to the prayer made in this writ application being very limited, it will not be necessary for this Court to give liberty to the Bank for realization of its loan amount from the petitioner which in any event can take any step as per the terms and conditions of the agreement.

That being so, this writ application is permitted to be withdrawn with the aforementioned liberty.

(Mihir Kumar Jha, J)

Ranjan/-

U			
---	--	--	--