

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.811 of 2015

In
Civil Writ Jurisdiction Case No. 13773 of 2009

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1. M/s Basuki Exports & Another Petitioner/s
Versus
1. The State Bank of India, Main Branch, Bhagalpur. Respondent/s
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with
Miscellaneous Jurisdiction Case No.812 of 2015
In
Civil Writ Jurisdiction Case No. 14827 of 2009

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1. M/s Silkos and another Petitioner/s
Versus
1. The State Bank of India, Main Branch, Bhagalpur Respondent/s
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Appearance :

(In MJC No.811 of 2015)

For the Petitioner/s : Mr. Gajendra Pratap Singh, Advocate

For the Respondent/s : Mr. Sanjiv Kumar, Advocate

(In MJC No.812 of 2015)

For the Petitioner/s : Mr. Gajendra Pratap Singh, Advocate

For the Respondent/s : Mr. Sanjiv Kumar, Advocate
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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 10-04-2015 Heard the parties.

2. Both MJC No. 811 of 2015 and MJC No. 812 of 2015 have been filed on behalf of the writ petitioners of CWJC Nos. 13773 of 2009 and 14827 of 2009 respectively with a prayer for enlargement of time for filing statutory appeal before the learned Debts Recovery Appellate Tribunal in the light of the judgment and order dated 12.03.2015 passed in aforesaid CWJC Nos. 13773 of 2009 and 14827 of 2009 analogously.

3. Learned counsel appearing on behalf of the petitioners of both the applications submits that by the aforesaid judgment dated 12.03.2015 in the last paragraph the petitioners were granted liberty to file an appeal before the appellate Forum

within a period of four weeks from the date of the judgment. According to him, the appeals on behalf of the petitioners could not be filed within the time framed, therefore, he submits that time fixed by this Court may be enlarged and the petitioners may be granted four weeks' further time to file such appeals.

4. Learned counsel appearing on behalf of the respondent Bank opposes the prayer. According to him, four weeks was the reasonable time for filing such appeals and if the petitioners have chosen not to file appeals within that time, then the respondent Bank may not be made to suffer on account of laches on the part of the petitioners. It is further pointed out that the recovery proceeding is pending since 1999.

5. After having heard the parties and on consideration of the materials available on the record, this Court is of the opinion that, for the ends of justice, time stipulated in paragraph 14 of the aforesaid judgment dated 12.03.2015 is required to be modified and in stead of four weeks, the petitioners may be granted six weeks from the date of the aforesaid judgment dated 12.03.2015 enabling them to file their statutory appeals before the Statutory appellate Forum. It is ordered accordingly. Hence, paragraph 14 of the judgment dated 12.03.2015 is modified only to that extent.

Both MJC applications stand finally disposed of with the observations and directions made above.

It is clarified that no further extension of time shall be granted to the petitioners.

Tahir/-

(Birendra Prasad Verma, J)

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