

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4523 of 2015

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Sita Devi W/o Ramchandra Prasad residing of Mohalla V.I.P. Colonoy, Dehri Road, P.S. Bikramganj, District - Rohtas at Sasaram.

.... Petitioner

Versus

1. The Regional Manager United Commercial Bank, A Block 4th Floor, Maurya Lok Complex, New Dakbunglow Road, Patna - 1.
2. The Deputy Zonal Head, Anchal Officer, Patna.
3. The Branch Manager United Commerical Bank Sasaram.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjay Kumar Pandey, Advocate

For the UCO Bank : Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 03-04-2015

I have heard learned counsel for the petitioner.

The writ petition has been filed for quashing Annexure-1 dated 18th February, 2015 by which the petitioner was offered to liquidate the entire debt as notice for auction sale of mortgage property was already published. Auction sale was going to be held on 24th March, 2015. The petitioner had filed this petition on 23rd March, 2015. The auction sale has been held which is apparent from the counter affidavit.

However, learned counsel for the Bank at the time of hearing submits on instruction that certificate is to be issued within 15 days from such auction sale upon payment of the entire auction amount which has not been done till date and, accordingly, sale certificate has not been issued to the auction purchaser as yet but the

same has to be issued after receiving full and final payment by 9th April, 2015. He further submits that petitioner was given several opportunities for payment of the due but it could not be done.

In above view of the matter, this writ application is being disposed of with a liberty to the petitioner to clear the entire debt due with respect to the loan account concerned on or before 9th April, 2015. The petitioner may appear by tomorrow before the Authority concerned for getting the entire calculation chart regarding the amount due and after that she would be required to pay the entire amount on or before 9th April, 2015. However, in case the petitioner wants to contest the amount and the action of the Bank, she would also be at liberty to approach the competent forum which may be available to her under law. It is made clear that if the petitioner does not pay the entire amount by 9th April, 2015 then the Bank would be at liberty to proceed unless any restraintment order is obtained by the petitioner passed from any competent authority.

(Dr. Ravi Ranjan, J)

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