

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3483 of 2015

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Md. Sarfuddin, Son of Idris Mian, Resident of Murgia Chak, Rampur Bhikhari,
P.S.:- Kotwali, District:- Munger

.... Petitioner

Versus

1. The Bihar Gramin Bank @ The Bihar Regional Gramin Bank, Regional Office:-
Radha Rani Sinha Road, Adampur, Bhagalpur.
2. The General Manager, Bihar Gramin Bank @ Bihar Regional Gramin Bank,
Regional Office:- Radha Rani Sinha Road, Adampur, Bhagalpur.
3. The Branch Manager, Bihar Gramin Bank @ The Bihar Regional Gramin Bank,
Mai Dariapur Branch, District- Munger.

.... Respondents

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Appearance :

For the Petitioner : M/s Binod Kumar Singh and Mrigendra
Kumar, Advocates

For the Respondents : Mr. Ranjit Kumar Pandey, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 11-03-2015

I have heard learned counsel for the petitioner and the
Bihar Gramin Bank.

Through this writ application, the petitioner seeks
quashing of the letter/notice dated 06.02.2015 contained in
Annexure 1.

However, today when the matter is taken up a
supplementary affidavit has been filed by the petitioner taking a
categorical stand that on the land in question the residential house
of the petitioner is standing and the petitioner and his family
members are residing therein, and, further, there is no other
residential house available to the petitioner and his family

members. In such a situation, it has been categorically stated in paragraph 3 of the supplementary affidavit that the petitioner is ready to pay the entire debt within six months in instalments.

Learned counsel for the respondent-Bank has submitted that the total due amount along with the interest and other costs calculated till 28th February, 2015 is Rs. 3,93,714/-. On instruction, he is ready to accept the proposal of the petitioner but the entire amount due against him should be paid within three months.

However, learned counsel for the petitioner submits that it would not be possible to pay the entire amount within a period of three months but he would pay the same within six months along with future interest.

In the aforesaid background of the matter, this Court would be inclined to dispose of this writ application with a direction to the petitioner to pay 25% of the amount disclosed today by the Bank on or before 15th of March, 2015 as 16th of March, 2015 is the date of auction and, thereafter, the balance amount should be paid by the petitioner in three instalments along with future interest to be charged on unpaid amount within six months from today.

If 25% of the aforesaid amount disclosed by the Bank

today is paid by the petitioner on or before 15th of March, 2015 then the auction sale with respect to the property of the petitioner shall remain stayed. The Bank would be at liberty to take action for recovery of the amount along with the interest and other costs etc. if the petitioner fails to pay the same within the aforesaid period of six months from today.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

SC/-

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