

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3771 of 2011

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Md.Firoz Alam, Proprietor of M/S Shibran Printing Industries, Dilwarpur, Munger, son of Md.Quasim, resident of Dilwarpur Kali Tazia Road, Munger, P.O.& District-Munger.

.... Petitioner/s

Versus

1. Union Bank of India its head office of Union Bank of India, 239 Vidhan Bhavan Marg, Central Office, Nariman Point, Mumbai-400021.
2. Chairman & Managing Director, head office of Union Bank of India, 239 Vidhan Bhavan Marg, Central Office, Nariman Point, Mumbai-400021.
3. Regional Manager, Union Bank of India Regional Office 1st Floor, Nasheman Bhawan, Fraser Road, Patna.
4. The Branch Manager, Union Bank of India, Munger Branch, at-Gulzar Pokhar, P.S.-Kotwali, P.O.& District-Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Nath Jha

For the Respondent/s : Mr. Aditya Sharan

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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 Bank 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 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 for grant of an appropriate relief.

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withdrawn with the liberty aforesaid.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 25.02.2011 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

Arvind/-

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