

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.334 of 2015

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Ashok Kumar son of Late Parmanand Thakur Resident of Adarsh Nagar,
Lane No. 2, Manjhaulia, P.O. Khabra, P.S. Sadar, District - Muzaffarpur

.... Petitioner/s

Versus

1. The Central Bank of India through General Manager
2. The General Manager, Central Bank of India, Patna
3. The Asst. General Manager, Zonal Office, Pwapuri Vihar, N.H. 28
Bhagwanpur, Muzaffarpur - 1
4. The Regional Manager, Regional office, Siwan - Cum - Disciplinary
Authority
5. The Branch Manager, Branch office, Bijoypur
6. The Asst. General Manager, Audit and Inspection Department, Central
office, CBD Belapur, New Mumbai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Bank : Mr. Ajay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-01-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner is aggrieved by action of the Bank taken under Section 13(4) of the SARFAESI Act, the remedy for him will be only before the Debt Recovery Tribunal.

The submission of the learned counsel for the petitioner that the petitioner was an ex-employee of the Bank who has been dismissed from service of the Bank or that the Bank has certain deposits of the petitioner either in the form of Money Multiplier Deposited Certificate or National Saving Certificate,

cannot make the petitioner absolved of his responsibility of a loan taken by him as a borrower of the Bank. The petitioner, therefore, ought to have moved before Debt Recovery Tribunal against such notice of taking possession under Section 13(4) of the SARFAESI Act.

When such an observation has been made, learned counsel for the petitioner seeks permission and is allowed to withdraw this application in order to enable the petitioner to move Debt Recovery Tribunal against the action taken by the Bank under Section 13(4) of the SARFESI Act.

That being so, this writ application is permitted to be withdrawn with the aforesaid liberty.

(Mihir Kumar Jha, J)

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