

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8474 of 2012

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Parah Deebea Haque, Widow of Late Md. Reyazul Haque Resident of 104/2, Haroon
Nagar Colony, Police Station Phulwarisharif, Town And District Patna

.... Petitioner

Versus

Indian Overseas Bank, Maurya Hotel Complex Premises, Fraser Road, Police
Station Gandhi Maidan, Town and District Patna

.... Respondent

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Appearance :

For the Petitioner/s : Mr. ANIL KUMAR SINHA

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-07-2016

Heard learned counsel for the petitioner and learned
counsel for the respondent bank.

2. The present writ petition has been filed for quashing the
order of dismissal dated 09.02.2012 passed by the Presiding Officer,
Debt Recovery Tribunal, Patna in M.A. No. 166 of 2011 whereby the
learned Tribunal has refused to recall the order dated 13.03.2007
dismissing the review application bearing M.A. No. 81 of 2006 for
default; and for connected reliefs.

3. Learned counsel for the petitioner submits that through
sheer inadvertence, a copy of the judgment could not be filed along
with the M.A. No. 166 of 2011, resulting in its dismissal by the
impugned order dated 09.02.2012. It is further submitted that the
defect in question escaped notice also having not been pointed out by

the office of the Debts Recovery Tribunal, Patna at the time of scrutiny after its filing.

4. Learned counsel for the respondents submits that a copy of the judgment was required to be annexed with the M.A. which was not done and as such the impugned order does not suffer from any infirmity.

5. Having heard the parties, this Court is of the view that the ends of justice will be met if the petitioner is permitted to file a certified copy of the order dated 13.03.2007 passed in M.A. No. 81 of 2006 before the Debts Recovery Tribunal, Patna within a period of four weeks from today. In that event, the impugned order dated 09.02.2012 passed in M.A. No. 166 of 2011 shall stand set aside and the Debts Recovery Tribunal, Patna shall proceed to dispose of M.A. No. 166 of 2011 afresh in accordance with law.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	11.07.2016
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