

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.983 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 14494 of 2012

Virendra Thakur, Son of Late Bhagwan Thakur, Resident of village- Pipra, P.O.-
Daraunda, P.S.- Daraunda, District- Siwan

.... Petitioner / Appellant

Versus

1. The Punjab National Bank through its General Manager, Bikhaji Kama Place,
New Delhi
2. The Regional Manager, Punjab National Bank, Regional Office at Adhoriyawaj,
Muzaffarpur
3. The Branch Manager, Punjab National Bank Branch Daraunda, P.O.- Daraunda,
P.S.- Daraunda, District- Siwan
4. The District Magistrate Siwan, District- Siwan
5. The Treasury Officer, Treasury Office, District- Siwan

.... Respondents / Respondents

Appearance:

For the Appellant/s : Mr. Sanjay Kumar Singh, Advocate.

For the Respondent-PNB : Mr. Kumar Priya Ranjan with
Mrs. Gunja, Advocates.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 07-04-2016

The order dated 23.09.2013 is the subject matter of challenge in the present Letters Patent Appeal passed by the learned Single Bench of this Court whereby the Writ Petition filed by the petitioner challenging the recovery of the loan amount was dismissed.

It appears that loan amount Rs. 3,40,000/- was advanced to the petitioner as a co-borrower along with his son. Since there was default in making payment of the loan amount, 50% of the amount outstanding in his Bank Account was recovered towards recovery of loan amount.

The argument of the appellant is that the amount outstanding in his Bank Account was the amount of pension, therefore, the same is exempt from attachment in terms of proviso to Section 60(1) (g) of the Code of Civil Procedure.

The learned Single Judge has referred to a Supreme Court judgment reported as *AIR 1976 SC 1163 - Union of India v. Jyoti Chit Fund and Finance & Ors.* to record a finding that once the pension amount is paid, it ceases to be pension and it becomes a deposit in the hands of the recipient.

Keeping in view the said principle, the pension disbursed to the appellant loses its character after its payment as it becomes a deposit in the hands of the recipient. Thus, the loan amount has been rightly recovered by the Bank as outstanding amount from the Bank Account of the appellant. Therefore, we do not find any error in the impugned order which warrants interference by this Court.

The Letters Patent Appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Dilip/Anjani.

U			
---	--	--	--