

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.640 of 2016

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1. Surya Narayan Singh, son of Late Bishwanath Singh, Resident of in front of L.I.C. Building, Rambagh, P.P. Road, District- Buxar.

.... Appellant/s

Versus

1. The Allahabad Bank, a Banking Company Constituted under Banking Companies (Acquisition and transfer of Undertakings) Act 1970 having its head Office at 2, Netaji Subhash Road, Kolkata- 700001 through its Chairman.
2. The Zonal Manager, Allahabad Bank, Near Kotwali Police Station, Baily Road, Patna.
3. The Branch Manager, Allahabad Bank, Munim Chowk, Buxar.
4. The Recovery Officer, Debt Recovery Tribunal, Patna, Bihar.
5. Binod Kumar Khemka, son of Late Girdharilal Khemka, Resident of Sumitra Sadan, Pirmuhani, P.S.- Gandhi Maidan, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chakarapani, Adv.
Mr. Ambarish Kumar, Adv.
For Respondent No.5 : Mr. Jitendra Kishore Verma, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 18-08-2016 Heard Mr. Chakarapani, learned Counsel, appearing on behalf of the appellant, and Mr. Jitendra Kishore Verma, learned Counsel, appearing on behalf of respondent No.5.

Mr. Chakarapani, learned Counsel, appearing on behalf of the appellant, seeks to withdraw this appeal with the submission that he will either file an independent suit for declaration that the decree, in question, was fraudulently obtained by the respondent Bank or make an application, in this regard, in

the Debt Recovery Tribunal, at Patna, seeking to get the impugned decree set aside on the ground that the decree could not have been passed without giving notice to the appellant.

Considering the matter in its entirety and in the interest of justice, we allow the appeal to be withdrawn with the leave as has been sought for. We make it clear that in case, any such application, as proposed by the appellant, is filed in the Debt Recovery Tribunal, at Patna, the same shall be dealt with, and disposed of, expeditiously and in accordance with law.

(I.A. Ansari,CJ)

(Chakradhari Sharan Singh, J)

K.C.jha/-

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