IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16286 of 2012

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Munna Kumar son of Om Prakash, Proprietor of M/s Mayank Store situated at Daldali Road, P.S.- Kadamkuan, Distt.- Patna.

.... Petitioner

Versus

1. Regional Manager, Punjab & Sindh Bank, Rajender Place, New Delhi, Pin Code No. 1100125.
2. Branch Manager, Punjab & Sindh Bank, Frazer Road, Patna, Bihar, Pin Code No. 800001.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mithlesh Kumar Gupta, Adv.
Mr. Udey Kumar, Adv.
Mr. Hari Narayan Gupta, Adv.
Mrs. Minu Kumari, Adv.

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-08-2016

Heard learned counsel for the petitioner.

2. The present writ petition has been filed for a direction to the respondent bank to make full and final settlement of the outstanding amount of the petitioner's loan.

3. Learned counsel for the petitioner submits that amounts from time to time have been paid against the outstanding loan of the petitioner and by letter dated 14.06.2012, the petitioner, in response to the bank's legal notice dated 21.05.2012, has offered to make payment of Rs. 50,000/- in full and final settlement of the loan. Even though negotiations with the bank were ongoing, no final decision in the

matter has been communicated to the petitioner till date. Learned counsel for the petitioner states that the petitioner would be willing to make payment even in excess of Rs. 50,000/- if reasonable settlement would be made by the bank on sympathetic considerations.

4. None appeared on behalf of the bank when the matter was called out yesterday and once again the bank is not represented today. It appears from the record that a counter affidavit has been filed on behalf of the bank without however serving a copy thereof upon the petitioner. A perusal of para-13 of the counter affidavit discloses that the outstanding amount in the loan account was Rs. 5,86,223/- but there is nothing therein to indicate that the request of the petitioner for a settlement has since been considered.

5. In the circumstances, in the interest of justice, this Court grants liberty to the petitioner to approach the bank once again with any fresh offer that he may have for settlement of his loan account. If such representation is filed by the petitioner before respondent no. 2 within a period of two weeks from today, the same shall be considered sympathetically with a view to arrive at a reasonable settlement with the petitioner in the light of observations of the decision of the Supreme Court reported in M/s Plasto Pack, Mumbai & Anr. vs. Ratnakar Bank Ltd. [2002 (2) PLJR (SC) 272], after granting opportunity of hearing to the petitioner, expeditiously.

6. The writ petition stands disposed of with the aforesaid

observations and directions.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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