

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1909 of 2015

IN

Civil Writ Jurisdiction Case No. 12718 of 2015

- =====
1. Indu Kumari, wife of Manoj Kumar Jha, resident of Mohalla - Sarvodya Nagar, Police Station - Begusarai (Town), District - Begusarai.
 2. Binod Kumar, son of Baldeo Jha, resident of Dak Bungalow Road, in front of Subham Enterprises, Proprietor of Samar Medico Agency, P.S. - Begusarai (Town), District - Begusarai.

.... Appellants

Versus

1. The Punjab National Bank, through its Circle Head Cum Regional Manager, Circle Office, Darbhanga at Darbhanga, District - Darbhanga.
2. The Branch Manager, Punjab National Bank, Begusarai Branch, District - Begusarai.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Choudhary with
Mr. Manish Kumar No-2, Advocates
For the P.N.B. : Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

Date: 16-11-2016

Heard learned counsel for the appellants and learned
counsel for the Punjab National Bank.

The appeal is directed against the judgment and order
dated 7.9.2015 passed in CWJC No. 12718 of 2015 by a learned
Single Judge of this Court.

The learned Court has taken note of the fact that the cash
credit facility has been taken in the year 1997 and the petitioners have
been defaulters for a long period of time. It has also taken into
account the fact that the petitioners have repeatedly approached this



Court in the past on not less than six occasions, apart from also approaching the Debts Recovery Tribunal, but never full payment has been made by them despite the time having been extended by this Court.

The decision of the Apex Court in the case of United Bank of India vs. Satyawati Tondon and others : (2010) 8 SCC 110 has also been considered for the proposition that the writ petitioners-appellants had alternative remedy before the Debts Recovery Tribunal in terms of the provisions of the SARFAESI Act. For all the aforesaid reasons, the writ petition was dismissed.

Learned counsel for the respondent Bank submits that the sale has already taken place and the possession has also been handed over to the auction purchaser.

In the aforesaid circumstances, this Court does not find any reason to interfere with the impugned order. The appeal is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

(Birendra Kumar, J)

spal/-

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