

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15280 of 2012

Sakaldeo Pd. @ Sakaldeo Pd. Mehata son of Late Ramdeo Prasad, resident of
Mohalla - Sandalpur Near Kumhrar Gumti, P.O. Mahendru P.S Sultanganj
District - Patna

.... Petitioner

Versus

1. The Central Bank of India through Assistant General Manager, Regional Office Block - B, 2nd Floor Maurya Lok Complex, Dakbunglow Road, Patna
2. The Authorised Officer, Central Bank of India, Regional Office, Block -B, 2nd Floor Maurya Lok Complex Dakbunglow Road, Patna
3. The Branch Manager, Central Bank of India, Patna University Branch, Ashok Rajpath, Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Binod Kumar Pandey, Advocate
For the Respondents : Mr. Ajay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-10-2016

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for quashing the
entire proceeding initiated by the respondent bank under Section 13 of
Securitization and Reconstruction of Financial Assets and Enforcement
of Security Interest Act, 2002 (for short, "the SARFAESI ACT") including
auction of residential house of the petitioner for the recovery of the
loan amount under the Housing Scheme; and for a direction to the
respondents to communicate to the petitioner the dues of total unpaid
equated monthly instatement (EMI) and allow him to deposit the said
amount to update the EMIs in his loan account.

3. At the very outset, learned counsel for the petitioner makes a statement at the bar that a compromise petition dated 05.10.2016 has been filed by the petitioner before the respondent bank which is under the active consideration of the bank.

4. Having regard to the aforesaid stand of the petitioner and with his consent, the present writ petition is disposed of with liberty to the petitioner to pursue his compromise petition for appropriate consideration by the bank.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.