

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.2768 of 2014**

Sanjay Kumar Pathak Son of Shri Krishna Pathak, resident of Village- Dilmanpur,  
P.S. Shahpur, Dist. Bhojpur, Ara, Proprietor of M/s Neelkamal Bhandar

.... .... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna, Old Secretariat, Patna.
2. Regional Manager, Madhya Bihar Gramin Bank, At Hari Ji Ka Hata, Near Jain Dharamshala, Ara
3. Branch Manager, Madhya Bihar Gramin Bank, Karnamapur, P.S. Shahpur, Dist. Bhojpur, Ara

.... .... Respondents

**Appearance:**

For the Petitioner : Mr. Shiopujan Singh, Advocate  
Mr. Mukesh Kumar Singh, Advocate  
For the Resp. Bank : Mr. M.N.Parbhat, Sr. Advocate  
Mr. Sanjay Kumar Jha, Advocate  
Mr. Arun Kumar Sinha, Advocate  
For the State : Mr. Ranjan Kumar, AC to SC 14

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 04-01-2016**

Heard learned counsel for the petitioner and learned Senior  
Counsel for the respondent Bank.

2. The present writ petition has been filed for a direction to  
the respondent Bank not to recover any amount illegally from the petitioner  
in connection with the loan of Rs. 15.00 lakhs (C.C. Account) taken by the  
petitioner from the respondent Bank on 23.01.2013.

3. It is submitted that the petitioner has been depositing  
instalments regularly from February, 2013 to August, 2013 in all amounting  
to around Rs. 22,98,000/-. Further payment however, could not be made in  
view of the flood in Bihar.

4. Learned counsel for the respondent Bank on the other hand submits that there is no valid basis for the prayer of the petitioner for a direction not to recover the remaining outstanding amount of loan taken by him. A detailed calculation of the amount due from the petitioner has been made in terms of the C.C. Account, a copy of which has been furnished to the petitioner as far back as in 2014, but neither further payments have been made by the petitioner nor even a response to the counter affidavit has been filed.

5. Having heard the parties and on consideration of the materials on record, this Court finds no merit in the writ petition. The fact that the cash credit facility had been availed by the petitioner is not in dispute, so also non-payment of the part of the outstanding loan with interest has also not been disputed. In the above view of the matter, this Court is not inclined to interfere in a purely contractual matter between the parties. The writ petition accordingly stands dismissed.

6. It is made clear that this judgment shall not stand in the way of the petitioner in approaching the respondent Bank for any relief, which the Bank may consider entirely on its own merits and at its own discretion.

**(Vikash Jain, J)**

Chandran

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