

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9628 of 2014

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Kamla Devi, wife of Ram Ishwar Mahto, resident of Village- Jaipur Dhanuki, P.O. Bari Pahari, P.S. Agamkuan, Distt- Patna.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Finance Department, Govt. of India, New Delhi.
2. The Registrar, Debts Recovery Tribunal, Bench- Patna through the Union of India, New Delhi.
3. The Recovery Officer, Debts Recovery Tribunal, Bench- Patna through the Union of India, New Delhi.
4. The Chairman, Bank of India having its office at Star House, C-5, "G" Block, Bandra Kurda Complex, Bandra East, Mumbai- 400051.
5. The Senior Branch Manager, Bank of India, Asset Recovery Branch, Chankaya Tower, Bir Chand Patel Marg, P.S. Sachivalya Distt- Patna.
6. The Zonal Manager, Bank of India having its office at Chankaya Tower, Bir Chand Patel Marg, P.S. Sachivalya Distt- Patna.
7. The Branch Manager, Bank of India, Branch Rejendra Nagar, situated at Mohalla Rajendra nagar Colony, P.S. Kadamkuan, Distt- Patna.
8. M/s Shree Ganapati Trading, Diwan Mohalla, Tarini Prasad Lane, Patna City, Patna 800008 through its proprietor Shri Ashok Chandra dubey, S/o Radhe Raman Dubey.
9. M/s Shree Balaji Industries, Opp. New Gulzarbagh Station Gulzarbagh, Patna- 800007, through proprietor Shri Ashok Chandra Dubey, S/o Radhe Raman Dubey.
10. Shri Ashok Chandra Dubey Prakash Chandra Dubey @ Guddu Dubey son of Shri Radhe Raman Dubey, resident of Dewan Mohalla, Tarini Prasad Lane, Paschim Darwaza, Patna City, P.S. Khajekalan, Distt- Patna.
11. Shri Radhe Raman Dubey, son of not known, resident of Dewan Mohalla, Tarini Prasad Lane, Paschim Darwaza, Patna City, P.S. Khajekalan, Distt- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Respondent/s : Mr. N. A. Shamsi (A.S.G.)

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-02-2016

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

2. The present writ petition has been filed for

quashing the judgment of the Debts Recovery Tribunal, Patna passed in O.A. Case No. 08 of 2010 and O.A. Case No. 09 of 2010 both dated 02.02.2012 and for consequential reliefs.

3. At the very outset, this Court observes that the impugned judgments are amenable to statutory appeal in terms of Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (for short, "the Act"). Moreover, the petitioner has not been able to satisfy this Court with regard to the considerable delay in approaching this Court even after having knowledge of the impugned judgments.

4. In the above view of the matter, this Court is not inclined to interfere in the matter. The writ petition is disposed with liberty to the petitioner to seek redressal of the grievances by availing statutory remedy appeal under the Act.

5. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable. The petitioner also be at liberty to request for reduction/waiver of the deposit required in respect of the appeal, in terms of the proviso to Section 21 of the Act.

(Vikash Jain, J)

Md. Ibrarul/-

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