

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10472 of 2014

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Mithilesh Prasad Singh son of Sri Madan Singh, Resident of village and P.O. Pratappur, P.S. Karja, Block - Marwan, District - Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Certificate Officer, Muzaffarpur, District - Muzaffarpur.
3. State Bank of India, Sutapatti Branch, Muzaffarpur through the Branch Manager, P.O., P.S. and District - Muzaffarpur.
4. The Branch Manager, State Bank of India, Sutpatti Branch, Muzaffarpur P.O., P.S. and District - Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : M/s. Chandan and
Kumari Ranjana Bharti, Advocates
For the Respondent S.B.I. : M/s. Kaushlendra Kumar Sinha and
Sunil Kumar Singh, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-03-2016

A prayer for two weeks' time has been made on behalf of the petitioner when the matter is taken up.

The record of the case discloses that the petitioner has repeatedly been making prayers for adjournment.

On 15.02.2016, the matter was adjourned for a week on the prayer of the petitioner. Thereafter, on 25.02.2016, the matter was passed over for the third consecutive date when yet again a prayer was made for passed over. It was indicated that the Court would be constrained to move forward as the petitioner did not appear to be interested in prosecuting the matter. On 26.02.2016, the petitioner

prays for two weeks' time for filing supplementary affidavit but the same has still not been filed till date.

Learned counsel for the respondents submits that the writ petition is devoid of merit inasmuch as the main contention raised in the writ petition with regard to invalidity of the certificate proceedings on the grounds of limitation is without basis. It is submitted that the loan in question was granted on 23.02.2006 and from the very same day, agreement has been executed between the parties according to which the petitioner had agreed for recovery of the loan amount through certificate proceedings. The said loan was acknowledged by revival letter dated 11.09.2008 and the certificate case has been filed on 12.01.2011 which is thus within the period of limitation.

Be that as it may, the present writ petition is dismissed for lack of proper prosecution.

(Vikash Jain, J)

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