

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3811 of 2016

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Manmath Kumar Rai, Son of Sri Surendra Nath Rai, resident of Mohalla-
Mohadinagar, P.S.- Barbarganj, Distriuct- Bhagalpur.

.... Petitioner/s

Versus

1. The Chairman, Bihar Gramin Bank, Govt. of India, Undertaking a Schedule Commercial Bank, Head Office Musium Road, Patna.
2. Authorised Officer, Bihar Gramin Bank, Bhagalpur, Regional Office, Radha Rani Sinha Road, Bhagalpur.
3. Branch Manager, Gramin Bank Main Branch, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Respondent/s : Mr. Satya PrakashTripathy, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-02-2016

Heard learned counsel for the parties.

The writ petition has been filed for quashing notice dated 21.01.2016, calling upon the petitioner to deposit the outstanding amount by 24.02.2016 i.e., today, which is also the date fixed for auction of his mortgaged properties.

At the very outset, learned counsel for the petitioner submits that he is ready to repay the outstanding dues of the Bank within three months.

Learned counsel appearing for the respondents submits that he is ready to accept the offer.

In view of the aforesaid position, with the consent of the parties, the writ petition is being disposed off in the following terms:

The petitioner shall pay 50% of the outstanding dues with up-to-date interest by 30.04.2016 and the rest 50% along with up-to-date interest shall be paid by 30th June, 2016.

The notice for sale of the mortgaged property of the petitioner shall be kept in abeyance till 30th June, 2016 and in the event the petitioner clears his dues, the same shall be deemed to have been set aside.

The Court would like to clarify that such offer has come from the petitioner and on the said undertaking, the matter is being disposed off and any violation of the same, besides leading to other consequences, shall also amount to contempt of Court. Further, in the event of violation of the undertaking aforesaid, it would be deemed that the writ petition has been dismissed and the respondents shall be free to proceed with recovery of their outstanding amount against the petitioner in accordance with law.

(Ahsanuddin Amanullah, J)

Sujit/-

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