

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2137 of 2016

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Abhimanyu Kumar Singh, Son of Sri Arjun Singh, Resident of Village- Singhi
Khurd, Ward no. 1, P.O & P.s. Arrah Town Distt- Bhojpur.

.... Petitioner/s

Versus

1. The Debt Recovery Tribunal, A & B Wing , 5th, Floor, Karpuri Thakur Sadan,
Kendriya Karyalay Parisar, Near Rajeev Nagar Thana, Ashiana Digha Road,
Patna-800024
2. The Recovery Officer, Debt Recovery Tribunal, A & B Wing , 5th Floor,
Karpuri Thakur Sadan, Kendriya Karyalay Parisar, Near Rajeev Nagar Thana,
Ashiana Digha Road, Patna-800024
3. The IDBI Bank Ltd, a company incorporated and registered under the Company
Act. 1956 and a banking company within the meaning of Section 5 of the
Banking Regulation Act 1949, having its registered office at IDBI Tower, WTC
complex, Cuffe, Parade, Mumbai.-400005
4. The Branch Manager, IDBI Bank Ltd, Uma Complex Branch , Fraser Road,
Patna-1
5. Sri Arjun Singh son of late Rajnath Singh
6. Smt. Bimla Devi, Wife of Sri Ajun Singh, Both Resident of Mohalla-
Rukunpura , Near petrol Pump , PO B.V.College, town & District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K.Shahi, Sr. Advocate. Mr. Waliur Rahman, Advocate. Mr. Girijesh Kumar, Advocate.
For the IDBI	:	Mr. Jitendra Kumar Roy, Advocate Mr. Shivendra Kumar Roy, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-03-2016

Heard learned counsel for the parties.

The prayer of the petitioner in the writ petition is to
direct the respondents not to compel to hand over possession of the



properties of the petitioner, which were mortgaged by respondents no. 5 and 6, on the ground that the said property, prior to the respondents no. 5 and 6 (borrowers) having entered into an agreement with the respondents no. 3 and 4, had already, by a family partition, come into the share of the petitioner and he, neither being a borrower nor a guarantor, the said property had to be demarcated and left out from the proceeding.

Learned counsel for the petitioner submits that against the order dated 05.10.2015 passed by the respondent no. 2 in R.P. Case No. 151 of 2013 rejecting his application, an appeal has already been filed being Appeal No. 1 of 2016, which is still pending, the Appellate Authority be directed to dispose off the same and till such time, *status quo* should be maintained.

Learned counsel for the respondents no. 3 and 4, the main contesting respondents, submits that though the original order itself has dealt on merits with the objection raised by the petitioner, but in view of there being an appeal pending, their only apprehension is that the same should not linger and a period be fixed for final disposal and they also desire that the issue attains finality.

Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, the writ petition is disposed off with a direction to the Appellate Authority i.e.,

respondent no. 1, to dispose off the Appeal No. 1 of 2016 filed by the petitioner, against the order dated 05.10.2015 in R.P.Case No. 151 of 2013, expeditiously and latest by 30th April, 2016.

The parties are directed to cooperate in the matter. Till then, *status quo*, as of today, shall be maintained.

(Ahsanuddin Amanullah, J)

Sujit/-

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