

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17110 of 2012

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1. Ghuran Jha Son Of Late Kedar Jha Resident Of Village - Dumra, P.O. Barhampur, Via - Benipatti, P.S. Arer, District Madhubani

.... Petitioner/s

Versus

1. The Bank Of India Through Its Zonal Manager, Zonal Office, Pankaj Market, Saraiyaganj, P.B. No. 17, Muzaffarpur
2. The Branch Manager, Bank of India, Radhu Market, Sarkar Chowk, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Advocate.

For the Respondent/s : Mr. Sanjiv Kumar ,Advocate.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 11-01-2016 Heard Mr. Choudhary for the petitioner and Mr. Kumar for the respondent –Bank of India (for short ‘the Bank’).

In the light of the order dated 10.12.2015 the Branch Manager of the respondent Bank is present in Court.

The petitioner served the Government and retired. He opened pension account vide S.B. A/C No. 15687 with the Madhubani Branch of the Bank. The writ application is filed raising a grievance that in spite of diverse request(s) made by him, the respondent- Branch Manager has not taken steps for transfer of the pension account of the petitioner to the Branch of other Bank situated in village -Benipatti where the petitioner has now settled.

Counter affidavit has been filed on behalf of the respondent-Bank. Petitioner has filed rejoinder thereto. The respondent- Bank has filed reply to the rejoinder.

It appears from perusal of the materials on record that CC Account of 55 of 1997 was opened to advance loan to the petitioner. Since the loan amount thereagainst was not liquidated the respondent Bank has not taken steps for transfer of the pension account. It has been stated that vide Annexure-C as on 23rd June, 2008 a sum of Rs. 80,671. 84 paise is outstanding against the loan amount sanctioned in favour of the petitioner. The fact that the petitioner obtained loan from the Bank against the said loan account is not in dispute .

Mr. Choudhary contended that earlier the Bank took the stand that more than two lacs was outstanding against loanee in the said account. Now, it has been reduced to 80,000/- and odd as on 23.06.2008. Referring to the statements made in para 7 of the rejoinder, it has been stated that a sum of Rs. 1,11,471.50 has been deposited in cash by the petitioner up to 24.06.2008 in the said loan account. The reply of the Bank is silent on this aspect of the matter.

Be that as it may, considering the entire facts and circumstances of the case, in my view, the writ petition deserves

to be disposed of by the following order:-

Let the respondent Bank furnish up-to-date statement of accounts of CC Account no. 55 of 1997 to the petitioner within three weeks. The petitioner shall liquidate the outstanding dues of the Bank if any, within four weeks thereafter. No sooner the said outstanding amount is liquidated/paid, the respondent Branch Manager shall permit the pension account of the petitioner to be transferred forthwith as requested by the petitioner to him and for which the present writ application is filed.

(Kishore Kumar Mandal, J)

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