

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8559 of 2015

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Birendra Kumar Singh S/o Sri Mahendra Singh @ Mushar Bhagat, Resident of Village Katarwala, P.S. Goraul, District Vaishali.

.... Petitioner

Versus

1. Uttar Bihar Gramin Bank, a body corporate constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 and Regional Rural Bank Act, 31 of 1976 and having its Head Office at Kalambagh Chowk, Muzaffarpur, Bihar and also having its one of the Regional Office at Mohalla Near Ramashish Chowk, Hazipur, Post Office Hazipur, P.S. Hazipur, Dist. Vaishali – 844 101 and its several branches at different places including the Goraul Branch, P.S. Goraul, P.O. Goraul, Dist. Vaishali 844 118.

Appellant/Respondents

2. M/s Hotal Trimurti Situated in the East of Near NH 77, Village Bhagwanpur, P.O. Bhagwanpur, P.S. Vaishali, District Vaishali.

3. Sri Om Prakash Shukla

4. Sri Niwas Shukla

5. Sri Ved Prakash Shukla

Respondent No. 3 to 5 are Proprietors of M/s Hotal Trimurti, Son of Late Dharamdeo Shukla, Resident of Village Etwarpur, P.O. Jalalpur, P.S. Lalganj, District Vaishali.

6. Sri Prabhakar Pandey S/o Sri Sachidanand Pandey, Resident of Village Admpur, P.O. Katarmala, District Vaishali.

.... Defendants 1 to 5/Respondents

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Appearance :

For the Petitioner : Mr. Anil Kumar,

For the Respondents : Mr. Prabhakar Jha

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-07-2016

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

2. The present writ petition has been filed for quashing the ex-parte order dated 17.02.2015 passed by the Presiding Officer, Debts Recovery Tribunal (for short the “DRT”), Patna in O.A. Case No. 115 of

2014 whereby the defendants judgment debtors including the petitioners have been directed to pay Rs. 15,72,190.75 with *pendente lite* and future interest at the contractual rate of interest from 01.05.2014 till its realization and litigation cost of Rs. 36,334/- and the Recovery Officer was directed to initiate the process of recovery; and for quashing the notice dated 19.03.2015 issued by the Recovery Officer, DRT, Patna in R.P. No. 5 of 2015 whereby the defendants judgment debtors including the petitioner has been directed to appear before the Recovery Officer on 11.05.2015.

3. At the very outset this Court takes note that the petitioner has adequate statutory remedy in terms of appeals provided against the impugned orders for redressal of his grievances.

4. In the above view of the matter, the writ petition stands dismissed with liberty to the petitioner to seek redressal before any such forum as may be available to him in accordance with law.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.07.2016
Transmission Date	N.A.