

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18427 of 2015

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1. Smt. Bela Sinha, widow of late Dilip Kumar Sinha, Pradip Hotel, Belisarai, Motihari, East Champaran, Bihar.
 2. Pradip Kumar Sinha, S/O late Gauri Shankar Sinha, Renuyatri Niwas, Near Police Station, SBI, Purnaiya Branch, Ghorasahan, East Champaran
- Both represented through Power of Attorney Holder, namely Anil Kumar Sinha, S/O Late Gauri Sinha, resident of B/160, Buddha Colony, Patna-800001.

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Banking Division, Government of India, New Delhi.
2. The Central Bank of India through its Branch Manager, Boring Road, Patna.
3. The Branch Manager, Central Bank of India, Boring Road, Patna.
4. The Managing Director, Central Bank of India, Mumbai.
5. The Zonal Manager, Central Bank of India, Patna Zone, Patna.
6. The Debts Recovery Tribunal, Patna through its Presiding Officer, 34, Lal Bhawan, Bank Road, Lodhipur.
7. The Recovery Officer, Debts Recovery Tribunal Patna, 34, Lal Bhawan, Bank Road, Lodhipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate.
For the respondent Bank : Mr. Ajay Kumar Sinha, Advocate.
For the UOI : Mr. Ashuman Singh, Adv.
Mr. Rajeev Shekhar, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-07-2016

At the very outset, learned counsel for the petitioner Mr. Binod Kumar Singh, submits that the petitioners are neither the borrower nor guarantor in respect of the loan granted by the respondent Bank in favour of M/s Shankar Re-Rolling Mills, nor are the petitioners in any way concerned with the mortgaged property situated at Motihari. It is further stated that the interest of the petitioners lay in the property situated at Patna, which was under

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auction sale by the Bank though not mortgaged in respect of the loan, but such auction sale has been set aside in terms of the order dated 13.11.2013 passed by the Debts Recovery Appellate Tribunal, Allahabad.

2. Learned counsel for the petitioner therefore accepts that unless such order of the Debts Recovery Appellate Tribunal is reversed or modified in the pending writ petition filed before this Court at the instance of the respondent Bank, the cause of action does not survive at this stage.

3. In view of the above stand of the petitioner, the writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	
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