

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7194 of 2017

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Ashutosh Prasad Son of late Birbhadra Prasad Resident of Mohalla- Brahmpura,
Behind Sanjay Talkies, Police Station- Brahmpura, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State Bank of India Through Its Deputy Manager , RASECC/ SARC Zonal Office Building, Poddar Complex, Mithanpura, P.O. - Ramna , P.S. - Mithanpura, District- Muzaffarpur.
2. The Assistant General Manager, RASECC/ SARC Zonal Office Building, Poddar Complex, Mithanpura, P.O. - Ramna , P.S. - Mithanpura, District- Muzaffarpur.
3. The Chief Manager, State Bank of India, Bhagwanpur Branch, Muzaffarpur.
4. The Branch Manager, S.B.I. Bhagwanpur Branch, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Respondent/s : Mr. Kaushlendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-10-2017

Learned counsel for the petitioner undertakes to deposit the deficit court fee within a period of one week from today.

Heard learned counsel for the parties.

The petitioner has taken loan for the purpose of purchase of bus and was required to pay the loan amount in installments, in failure to pay the installment, the bus, in question, bearing registration no. BR-06PC-8429 has been seized and it remained standing under the custody of the Bank.

Learned counsel for the petitioner submits that he is ready to clear all the outstanding dues as standing against him provided he may be allowed to ply the bus which is only source of income to repay the loan amount. As per records of the Bank, the total outstanding dues standing against the petitioner is Rs. 12,62,576/-.



Learned counsel for the State Bank of India submits that from the beginning the petitioner has not paid the installment properly and now the account of the petitioner has been turned to bad debt, as such, it is very difficult for the Bank to release the bus.

Learned counsel for the petitioner submits that if the Bank would release the bus, he will be able to pay the amount of Rs. 1 lac within one month from the actual date of release of the bus, as the bus has remained standing in the possession of the Bank for two years and during this current rainy season, it has remained under the water for a long period and, as such, before plying the bus, it will require repairing and changing of the seats and other parts of the bus.

The Bank has to exercise discretion suitable to interest of Bank, while exercising jurisdiction, the Bank authority will consider his offer and if the offer is found reasonable, in such circumstances, the Bank authority will be obliged to take decision in accordance with law.

With the aforementioned observation, this writ application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2017
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