

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9227 of 2017

- =====
1. M/s Priyadarshi Motors Private Limited, registered office, Plot No. 11, Vishwesariya Nagar, Bailey Road, Police Station- Rupaspur, District- Patna (Bihar), (PIN 801 503) represented by Managing Director namely Sri Nikhil Priyadarshi.
 2. Sri Nikhil Priyadarshi son of Sri Krishna Bihari Prasad Sinha, Plot No. 11, Vishwesariya Nagar, Bailey Road, Police Station- Rupaspur, District- Patna (Bihar), (PIN 801 503).

.... Petitioner/s

Versus

1. The State Bank of India through its Chairman Cum Managing Director, State Bank Bhawan, 14th Floor, Madam Cama road Nariman Point, Mumbai, Maharashtra.
2. State Bank of India Stress Asset Management Branch (SAMB), Gandhi Maidan, Patna through its Chief Manager.
3. Chief Manager S.B.I., SAMB, Gandhi Maidan, Patna.
4. Deputy General Manager, SAMB, Gandhi Maidan, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-07-2017

Heard learned counsel for the petitioners and counsel for the State Bank of India.

A limited question has been raised by the petitioner that he has been put behind bar in connection with Patna SC & ST Case No. 26 of 2016 registered for offence under Sections 354A, 354, 506 of the Indian Penal Code and Section 3(I)(V)(S) of SC and ST Act.

The Bank has initiated a proceeding against the petitioner which is registered as O.A. No. 761 of 2015, in that case, the Tribunal



has issued a notice but, the petitioner remained absent from his house on account of lodging of the aforesaid criminal case. In the meantime, during pendency of the proceeding, the petitioner has been put behind bar. Learned counsel for the petitioner submits that he could not file the written statement on account of his stay in the jail and, as such, he should be given liberty to file a written statement and contest the case.

In paragraph nos.7 of this petition, the statement is as follows:-

"7. *That the petitioner company appeared on the next date fixed before DRT on 15.4.2017 and prayed for setting aside ex-parte order and granting them opportunity to file written statement. They also filed application which was not entertained on the ground that the case has already been fixed ex-parte.*"

Learned counsel for the petitioner submits that he should be given liberty to file an application for recall of the ex-parte order as well as he should also be allowed to file a written statement.

The Bank has vehemently opposed prayer of the petitioner saying that the notice was served upon him, when he has not filed his written statement, the Tribunal has no other alternative option but to fix the case for ex-parte hearing, present effort is to delay the proceeding as the petitioner has filed the writ application without approaching the Tribunal.

Without entering to the dispute raised by both sides, in



the interest of justice, this Court directs if the petitioner files a written statement along with an application for recall of the ex-parte order within three weeks from today, in such circumstances, the Tribunal will be obliged to recall the order of the ex-parte, accept the written statement and conclude the proceeding on day-to-day basis.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.07.2017
Transmission Date	NA

