

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11307 of 2017

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M/s Shiv Shakti Traders, through its partner Mahendra Prasad Jaiswal son of Late Jagarnath Prasad Jaiswal resident of Village : Station Road, Mohania, P.O. + P.S. Mohania, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Kaimur at Bhabua.
2. The Regional Manager, Bank of Baroda, West Boring Canal Road, Patna - 800001.
3. The Branch Manager, Bank of Baroda, Dar Branch, District : Kaimur at Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad

For the Resp. No. 2 & 3 : Mr. Nishi Nath Ojha, Adv.

For the State : Mr. Arun Kumar Sinha, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-10-2017

Heard learned counsel for the petitioner and counsel for the State as also counsel for the Bank.

In the present case, the petitioner has taken a loan but, was not depositing the installment properly, led to initiation of proceeding under the SARFAESI Act. The matter was pending before the Debts Recovery Tribunal, Patna being OA 393/2015 for recovery of the said amount. The petitioner has already paid the entire amount of outstanding dues of the Bank, as on today, there is no dues of the Bank standing against the petitioner and, in terms of the compromised amount, the total amount of Rs. 11.56 Lacs has been paid by the



petitioner and, in that view of the mater, the order of the District Magistrate, Kaimur (Bhabua) dated 19.6.2017, whereby and whereunder, he has given a direction to take action in terms of the SARFAESI Act, is not required to be carried out.

Accordingly, the order dated 19.6.2017 passed by the District Magistrate, Kaimur (Bhabua) is quashed.

This Court is keeping on record the order of the Debt Recovery Tribunal, Patna, wherein, parties have entered into agreement and settle the dispute.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2017
Transmission Date	NA

