IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9928 of 2017

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Shahid Anwar son of Late Shakil Ahmed, Resident of Near Madar Darwaja, Dharamshala Road, P.O.+ P.S.- Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The General Manager, Bank of Baroda, 4th Floor, Anand Vihar, Boring Canal Road, Patna.
2. The Authorized Officer, Bank of Baroda, 4th Floor, Anand Vihar, Boring Canal Road, Patna.
3. The Branch Manager, Bank of Baroda, Sasaram Branch, New Hansu Market, G.T. Road, Sasaram, Rohtas- 821115.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh, Adv.

For the Respondent/s : Mr. Purushotam Prasad, Adv.
Mr. Ratnesh Nandan Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-08-2017

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

In the present case, a very limited issue has been raised that the petitioner has taken loan from the Bank for construction of the house, as he could not deposit the installment in time, his account was declared NPA, whereafter, the SARFAESI proceeding was initiated, against that, the petitioner moved before the Tribunal vide S.A. No. 176 of 2015. In the National Lok Adalat conducted on 21.2.2016, both the parties were called for and the petitioner was ready to settle the account by making payment of Rs. 8 lacs but, the petitioner defaulted to make payment which led to action of taking possession of the house of the petitioner.

Learned counsel for the petitioner submits that now the petitioner is ready to pay the said amount.

Learned counsel for the Bank submits that if the petitioner is ready to deposit Rs. 8 lacs including interest amount from the date 21.2.2016 up to the date of payment at the rate prescribed in the agreement, the Bank is ready to settle the account and the petitioner would not be evicted from the house, in question.

In view of the statement made by the counsel for the Bank at Bar, this case is disposed of with a direction to the petitioner to pay Rs. 8 lacs including interest as per terms of the agreement in three equal instilments, the first installment will be deposited by the petitioner on or before completion of one month from today and the rest two installments will be deposited in the same interval of one month. If the petitioner fails to deposit any installment in terms of the timeframe stated above, the Bank will be at liberty to take action against the petitioner in accordance with law.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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