

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5734 of 2016

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Harinder Kaur Wife of Late Harinder Singh Resident of House No. 938, Exhibition Road, PS Gandhi Maidan, District and town, Patna.

.... Petitioner/s

Versus

1. The Chief Manager, Allahabad Bank, Recovery Branch , Office Situated at Opposite of Kotwali Police Station, Bailey Road, Patna.
2. The Recovery Officer, Allahabad Bank, Recovery Branch office Situated at Opposite of Kotwali Police station Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nirbhay Kumar Singh, Adv.
For the Respondent/s : Mr. Ajay Kr. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-03-2017

Heard learned counsel for the parties.

In the present case, the petitioner is claiming that her husband had deposited Rs. 17 lakhs on the direction of this Court in LPA No. 844 of 2010 and she wants return of the same with interest.

It appears that the husband and his brother were running M/s Amar Timber Works after taking loan from the Bank, failed to return the amount led to institution of O.A. No. 107 of 1998 before the Debt Recovery Tribunal, the same was decided in favour of the Bank against the husband of the petitioner and his partner. Recovery proceeding was initiated vide R.P. Case No. 167 of 2000. In pursuance thereof, the property of plot no.722 located at Exhibition Road, P.S. Gandhi Maidan, Patna measuring 1298 Sq. Ft. was put to



auction. The same was purchased by Sadashiv Prasad Singh. A writ application, C.W.J.C. No. 16485 of 2009 was filed before this Court against the order of Debt Recovery Tribunal which was finally dismissed. The husband of the petitioner preferred L.P.A. No. 844 of 2010 which was heard and allowed and, in terms of that, the husband of the petitioner deposited Rs. 17 lakhs of the Bank and, thereafter, directed to pay a further sum of Rs. 32 Lakhs in installments within a period of two years. The matter went to Supreme Court in SLP which was ultimately registered as Civil Appeal No. 162 of 2014. The appeal filed by the husband of the petitioner was dismissed and the appeal filed by the adversary succeeded and, thereby, the auction sale was confirmed.

As the husband of the petitioner had deposited an amount of Rs. 17 lakhs in pursuance of the direction of this Court and husband of the petitioner could not succeed at the Hon'ble Apex Court level, it requires that the amount, which has been deposited at the behest of the order of this Court, should be returned to the petitioner.

In that view of the matter this Court directs the Chief Manager, Allahabad Bank as well as the Recovery Officer, Allahabad Bank, Recovery Branch to ensure return of the amount of the petitioner with interest which is prevalent from time to time. The money will be released after taking no objection certificate from the



heirs and/or representative of late Harinder Singh.

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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