

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16276 of 2008

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Raj Kishori Devi, wife of Jageshwar Prasad, resident of Mohalla- High School, Para, P.S.-Katihar Town, District-Katihar

.... Petitioner/s

Versus

1. Allahabad Bank through its Zonal Manager, Zonal Office, Budh Marg, Patna-1.
2. Zonal Manager, Allahabad Bank, Zonal Office, Budh Marg, Patna-1
3. Authorised Officer-cum-Chief Manager, Allahabad Bank, Zonal Office, Budh Marg, Patna.
4. Senior Branch Manager, Allahabad Bank, Katihar Branch, M.G. Road, Katihar, District-Katihar.
5. Ashok Roy, son of not known to the petitioner, working as an Agent, authorized by the Branch Manager, Allahabad Bank of Katihar Branch, Katihar.
6. Ajit Kumar Mandal, son of Late Dr. Thakur Das Mandal, Mohan Baghan Lane, High School Para, P.S.-Katihar, District- Katihar.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate
For the Allahabad Bank : Mr. Shailendra Kumar Jha, Advocate
For Respondent No.6 : Mr. Rama Nand Poddar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

11 01-03-2017 A preliminary objection is raised by learned counsel appearing on behalf of the Allahabad Bank stating that the petitioner has come to this Court without availing the alternative remedy available to her under the SARFAESI Act, by filing an application before the Debt Recovery Tribunal. As such, this application appears to be misconceived.

Let the petitioner file an application before the Debt Recovery Tribunal within a period of four weeks from today. In case the said application is filed, the Tribunal shall take



appropriate steps in accordance with law.

The present application stands disposed of.

However, in view of the nature of disputes between the parties and that already a third party right has been created by virtue of the sale certificate having been issued by the Bank on 10.10.2008 and also because *status quo* was ordered to be maintained, it would be in the interest of justice that same order shall continue till filing of the application and registration of the case before the Debt Recovery Tribunal.

It is thus ordered that till filing of the application before the Debt Recovery Tribunal and registration of the case, *status quo* be maintained.

(Anjana Mishra, J)

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