

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.493 of 2015
IN
Civil Writ Jurisdiction Case No. 15414 of 2009**

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1. Pradhan Anil Kumar Son of Late Pradhan Kanhaiya Prasad Resident of Bindhyawasini Market, A.G. Colony, Main Road, Krishi Nagar, Patna 25

.... Appellant/s

Versus

1. The Zonal Manager, Punjab National Bank, R- Block Crossing, Patna.
2. The Chief Branch Manager, Punjab National Bank, Boring Road, Patna, Patna
3. The Sr. Manager, Punjab National Bank, Raja Bazar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Devi Das Srivastava

For the Respondent/s : Mr. Suresh Pd. Singh No. 1, Adv. For PNB.
Ms. Kumari Rashmi, Adv. For PNB.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 12-07-2017

Heard learned counsel for the appellant and learned counsel
for the Respondent-Bank.

The facts speak for itself, therefore the learned Single Judge rightly dismissed the writ application. The Court further fails to appreciate that if the loan was paid in the year 1983 and the document returned by the Bank to the father of appellant, which is being contested then what is the lis between this appellant and the Bank. Since the property was in the name of the father of the appellant. He died in the year 1998, but never raised any grievance for non-return of



the document in 15 years.

In the controversial circumstances, as above, learned single Judge has rightly given leeway to the appellant to get an appropriate declaration from a Civil Court instead of exercising discretion under Article 226 of the Constitution of India.

The appeal is dismissed.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

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