

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1927 of 2015

IN

Civil Writ Jurisdiction Case No. 18138 of 2009

=====

1. Nil Kamal (Advocate) son of Late Raj Kishore Prasad, office of Room No. 03, Lawyer's Association, High Court, Patna and Resident of at- G-03, B-Block, Vaishnavi Plaza, Dwarika Mandir Lane, West Boring Canal Road, Patna- 01

.... Appellant/s

Versus

1. The Chairman, State Bank of India, Corporation Centre, Nariman Point, Mumbai
2. The General Manager, State Bank of India, Patna
3. The Deputy General Manager, State Bank of India, Vigilance, Local Head Office, Patna
4. The General Manager, State Bank of India, Stressed Assets Resolution Centre, 2nd Floor, Main Branch Building, Zonal Office, Patna
5. The Branch Manager, State Bank of India, Bihar School Examination Board, Patna
6. The then Loan Manager, Upendar Prawad @ Upendra Kumar, State Bank of India, Bihar School Examination Board, Patna
7. The Managing Director & Builder, Vaishnavi Architect & Engineering Pvt. Ltd., Aparajeeta Complex, Fraser Road, Patna

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Amrendra Kumar Sinha No.-1

For the Respondent/s : Mrs. Namrata Mishra

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-02-2017

Delay of 27 days is condoned for the reasons indicated in the limitation petition. I.A. No.8606 of 2015 is allowed.

The learned Single Judge after considering the issue of recovery of loan against the appellant which he denies he has taken, has rightly referred him to the forum where the steps for recovery



has been initiated for recovery of the loan. Since the facts have been disputed, the documentation based on which the loan has been taken and other circumstantial evidence, which can be established either way, can best be looked into by the said forum. This is what the learned Single Judge has done. This Court will not decide the plea of denial on the face value in appeal.

Since the order of the learned Single Judge does not suffer from any infirmity, the appeal is dismissed with liberty as granted by the learned Single Judge.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

sk

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.2.2017
Transmission Date	NA

