

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11821 of 2017

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Umesh Kumar Sharma S/o Late Jagdish Sharma, R/o Village + P.O. Haripur, P.S. Alauli, District Khagaria

.... Petitioner

Versus

1. The Regional Manager, Bihar Gramin Bank, Gramin Bank Chowk, North HFC Gate, N.H.-31, Post Bihat, District Begusarai
2. The Authorised Officer, Bihar Gramin Bank, Gramin Bank Chowk, North H.F.C. Gate, N.H.-31, Post Bihat, District Begusarai
3. The Branch Manager, Bihar Gramin Bank, Harpur Branch, Khagaria

.... Respondents

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Appearance :

For the Petitioner : Dr. Kamal Deo Sharma, Advocate

For Respondent-Bank : Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-12-2017

The writ petition has been filed for the following reliefs –

“(i) For a direction to the respondent bank to return the inventory of movables properties taken possession in Loan Account.

(ii) For a direction to the respondent bank to postpone the sale of mortgaged property of the petitioner find mentioned at Inventor.

(iii) For a direction to the respondent bank to provide actual amount of calculation to the petitioner/borrower.

(iv) For a direction to the respondent bank to realize the balance amount after deducting about Rs. 2 lakh and 10 thousand deposited by the petitioner upto year 2016.

(v) To pass such other order/orders as your lordships may deem fit and proper”.



2. Learned counsel for the petitioner submits that the petitioner is prepared to pay an amount of Rs. 2,50,000/- before the date of auction with request to the respondent-Bank for fixing instalments with regard to payment of remaining amount of the dues.

3. Learned counsel for the respondent-Bank appears and has been heard.

4. Having regard to the nature of the prayer of the petitioner, this Court directs in the interest of justice that the petitioner be permitted to pay an amount of Rs. 2,50,000/- before 27.12.2017. In such event the respondent-Bank shall not proceed with the proposed auction to be held on 27.12.2017. The petitioner shall also abide by the instalments as may be fixed by the Bank for payment of the remaining amount of dues and in case default thereof, the respondent-Bank shall be at liberty to once again initiate the process of auction.

5. The writ petition stands disposed of. I.A. No. 9078 of 2017 shall also stand disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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