

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12889 of 2014

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Manoj Shankar Singh, S/o Late Krishna Kumar Singh, resident of Mohalla-
Nagina House Gandhinagar, Pali Road, Dehri-on-sone, P.S.- Dehri, District-
Rohtas at Sasaram

.... Petitioner/s

Versus

1. The Debt Recovery Tribunal situated at 34 Bank Road, Opp. New Police Line, P.S.- Gandhi Maidan, District- Patna, through its Presiding Officer.
2. The Presiding Officer, Debt Recovery Tribunal, situated at 34 Bank Road, Opp. New Police Line, P.S.- Gandhi Maidan, District- Patna
3. Mukul Shankar Singh, S/o Late Krishna Kumar Singh, Debt Recovery Tribunal situated at 34 Bank Road, Opp. New Police Line, P.S.- Gandhi Maidan, District- Patna
4. The Allahabad Bank through its Chief Manager, Recovery ARBM Patna situated at Buddha Marg Road Opposite Kotwali, P.S.- Kotwali, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Advocate
For the Respondent/s : Mr. Mukund Jee, Advocate
Mr. Anil Kumar Tiwary, Advocate
Mr. Anurag Saurav, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 03-05-2017 Heard learned counsel for the petitioner and
learned counsel for the Allahabad Bank.

In the present writ application, the petitioner seeks quashing of the order dated 22.04.2014 passed in M.A. No. 90 of 2014 whereby the Presiding Officer (respondent no. 2) has directed the Allahabad Bank to handover the deed of the mortgaged property to all the legal heirs of Late Nageshwari Devi.



Learned counsel for the petitioner submits that he is contesting the present writ application not only because he is one of the partners of the firm but he is also the legal heir of the deceased, Nageshwari Devi, who had deposited the documents with the bank as another partner of the firm. Learned counsel for the petitioner further submits that the Debt Recovery Tribunal has passed an order for return of the documents as all legal heirs are entitled for the property to the extent of their share and the documents be returned to all the legal heirs. It is further submitted that since he was the person, who had liquidated the bank dues; he alone is entitled to receive the documents.

Be that as it may, this Court finds no infirmity in the order but noticing the stance of the parties, certain issues of facts remain to be determined. As such, this Court remands back the matter to the Debt Recovery Tribunal, Patna.

The Debt Recovery Tribunal, Patna is, therefore, directed to reconsider the matter after adducing proper evidence between the parties and passing necessary orders in accordance with law within a period of three month after receipt/production of a copy of this order. The impugned



order dated 22.04.2014 is set aside.

With the aforesaid observations/directions, the writ application stands disposed of.

(Anjana Mishra, J)

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