

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3364 of 2016

In

Civil Writ Jurisdiction Case No. 24462 of 2013

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1. Mansoor Ansari Asharfi Son of Md. Kasim Ansari Resident of 504 Maqbool Apartment, Exhibition Road, P.S.- Gandhi Maidan, Town & District- Patna

.... Petitioner/s

Versus

1. The Debt Recovery Tribunal through its Registrar, A & B Wing, Karpuri Sadan, C.G.O. Complex, Ashiana-Digha Road, Patna.
2. The Debt Recovery Appellate Tribunal through its Registrar, 147-A58/1, Jawahar Lal Nehru Marg, Tagore Town, Allahabad.
3. Syndicate Bank through Its Chief Branch Manager, Main Branch, Fraser Road, Patna.
4. Harsh Chopra S/o Sri Ashok Chopra Resident of Solar House, Ground Floor, Brindawan Kunj, Exhibition Road, P.S.- Gandhi Maidan, Town & District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

4 15-03-2017 Heard learned counsel for the parties on the modification application.

According to Mr. K.K. Sinha learned counsel for the petitioner there is an error in calculation of the outstanding amount by this Court and several deposits have not been accounted for.

Having heard learned counsel for the parties, I am of the opinion that no case for modification is made out albeit one typographical error occurring in the judgment dated 10.8.2016 which Mr. Siddharth Harsh admits is that although following the



order of the DRAT the petitioner had deposited Rs.14 lacs but due to typographical error this amount has been mentioned in the judgment under modification as Rs.6 lacs and which error is acknowledged by the Bank themselves. Mr. Harsh next with reference to the supplementary affidavit filed by the Bank in the writ petition, submits that the amounts which the petitioner seeks adjustment, has already been adjusted while calculating the amount of Rs. 99 lacs and odd. He thus submits that no cause for modification is made out in the judgment passed by this court.

Mr. Sinha next prays for interest on the amount deposited with the Tribunal. While Mr. Harsh contests this claim by submitting that when the amount was deposited with the Tribunal, how the bank can be saddled with the interest, in my opinion this is an issue which cannot be gone into before this court. The petitioner if so advised can raise such claim before the Tribunal concerned where the money is deposited.

Finding no case for modification, this application is accordingly dismissed.

Bibhash

(Jyoti Saran, J)

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