

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2014 of 2016

In
Civil Writ Jurisdiction Case No.21638 of 2011

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1. The Allahabad Bank through Senior Manager, Zonal Office, Budh Marg, Patna.
 2. The Authorized Officer, Allahabad Bank Zonal Office, Budh Marg, Patna.
 3. The Branch Manager, Allahabad Bank Patliputra Colony, Patna.

... .. Appellant/s

Versus

1. Nilu Singh Wife of Shailesh Kumar Singh Resident of M - 6/4A, Block - 8, Near Rajendra Nagar, Telephone Exchange, Patliputra Path, P.S. - Kadamkuan, Distt - Patna.
2. Manoj Kumar S/o Late Braj Nandan Prasad Resident of B - 103, P.C. Colony, P.S. - Kankarbagh, Distt - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Sinha
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

6 19-12-2017 There is a delay of 17 days in preferring the appeal for which I. A. No.554 of 2017 has been filed. The delay is condoned. I.A. stands allowed. Matter is taken up on the merits.

After having heard learned counsel for the appellant- the Bank and having put specific question on the position, especially with regard to finding given by the learned Single Judge in paragraph 7 of the impugned order, which reads as



under:

“ 7. Learned counsel for the respondent- bank, after some argument, concedes that he is unable to dispute that the loan account was declared NPA on 30.09.2007 in view of the specific statement made to that effect in paragraph 7 of the counter affidavit. He has also failed to demonstrate from the record that notices under Section 13(2) or Section 13(4) of the SARFAESI Act had been issued subsequent to the loan account of the petitioner being declared NPA.”

there is no clear material and evidence coming even at the appellate stage that the finding given by the learned Single Judge is erroneous in any manner.

The law and the procedure which has been laid down under the SARFAESI Act has to be adhered to and innovations cannot be encouraged.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeew Ranjan Prasad, J)

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