

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 176 of 2017**

1. Central Bank Of India Through Managing Director, H.O. Chandramukhi, Nariman Point Mumbai- 400021
2. Central Bank Of India, Through Branch Manager, Central Bank Of India, Opposite Government Polytechnic College, G.E.Road, Durg, Chhattisgarh(Respondent No. 2 & 3)

---- Applicants**Versus**

1. Smt. Kusum Jain W/o Madan Chand Jain, Aged About 75 Years R/o Plot No. 321, Vidya Sagar General Sales Azad Market Risali, Bhilai, District Durg, Chhattisgarh(Petitioner)
2. State Of Chhattisgarh, Through Collector Durg, District Durg, Chhattisgarh(Respondent No.1)
3. Arvind Sharma Tehsil Durg, District Durg, Chhattisgarh (Respondent No.4)
4. Mannulal Kosre, Maal Jamadaar, Tahsil Office, Durg, District Durg, Chhattisgarh(Respondent No.5)
5. Superintendent Of Police, Durg, District Durg, Chhattisgarh (Respondent No.6)

---- Respondents

For Applicants	:	Shri Anand Shukla, Advocate
For Respondents-State	:	Shri Avinash Singh, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****02/03/2017**

1. The applicants (respondents No.2 & 3 in WPC No.3248/2016) have preferred this application for modification/clarification of the order dated 23.12.2016 passed by this Court in WPC No.3248/2016 on the ground that the writ petitioner (non-applicant No.1 herein) refused to accept the demand draft on the

one or other pretext, therefore, the applicants are seeking modification of the order dated 23.12.2016.

2. The writ petition bearing WPC No.3248 of 2016 preferred by the non-applicant No.1 was disposed of by this Court on 23-12-2016 in the following terms :

a) The District Magistrate shall direct the said Tahsildar who has put on lock over the house belonging to the petitioner to open the same in presence of the petitioner and the panch witnesses and allow the petitioner to remove the belongings, if any, lying inside the house in question. The Tahsildar shall, thereafter, put the lock as it was.

b) The petitioner shall move a representation before the respondent Nos.2 & 3 Bank within a period of three (3) weeks from today seeking refund/return of the excess amount, which the Bank has obtained at the time of auction of the mortgaged property. The excess amount, if any, be paid back to the petitioner in the form of demand draft, in presence of witnesses, within a period of one month from the date of submission of representation by the petitioner. If the Bank considers that the petitioner is not entitled to any refund, it shall pass a speaking order and communicate the same to the petitioner within the same period.

c) It will remain open for the petitioner to take recourse to remedies available under law.

3. This application for modification/clarification has been moved seeking direction to send the balance amount to the writ petitioner by registered post or to deposit the same in this Court.
4. The direction issued by this Court while disposing of the writ petition was clear in terms. It was for the applicant to pay the amount by way of demand draft to the writ petitioner in presence of the witnesses. The order of this Court is clear in terms and, as such, the modification of the order passed in writ petition is not at all required.
5. Accordingly, the MCC is dismissed.

Sd/-

Judge
Prashant Kumar Mishra

Ashu