

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 4848 of 2018

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Kalpana Devi @ Kalpana Kumari Pathak, Proprietor of M/s Kaveri Food Industries, Ahirauli, Buxar, Wife of Rajeev Kumar, Resident of Mohalla- Malviya Nagar, Dhobighat Road, Gali No.5, Charitravan, Buxar, Police Station- Buxar, District- Buxar.

.... Petitioner

Versus

1. The General Manager, Bank of Baroda (Main Branch), Bank of Baroda Building, Mandvi, Baroda, District- Baroda, State- Gujarat (Pin code- 390006).
2. The Regional Manager, Bank of Baroda, 4th Floor, Anand Vihar, West Boring Canal Road, Patna.
3. The Chief Manager (Authorized Officer), Bank of Baroda, Patna Main Branch, Fraser Road, Bihar, Patna.
4. The Branch Manager, Bank of Baroda, Buxar Branch, Near Police Chowki No.1, Main Road, P.O. and District-Buxar.

.... Respondents

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Appearance:

For the Petitioner : Mr. K.N.Choubey, Sr. Advocate
Mr. Animesh Kumar, Adv
Mr. Prashant Kumar, Adv
Mr. Dineshwar Pandey, Adv
Ms. Ritu Priyadarshini, Adv
Mr. Ashok Kumar Garg, Adv

For the Respondents : Mr. Siddharth Harsh, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-03-2018

This matter has been taken up out of turn on the request of the petitioner in view of the e-auction of the mortgaged property, fixed to be held today.

2. The present writ petition has been filed for quashing of the e-auction notice issued by the respondent no. 2 in daily newspaper 'Telegraph' on 14.02.2018 for sale of the immovable property of the petitioner through e-auction on 20.03.2018; and for grant of some time to the petitioner for payment of the loan in instalments.

3. Mr. K.N. Choubey, learned Senior Counsel appearing on behalf of the petitioner submits that default in payment of the loan occurred owing to circumstances beyond the control of the petitioner and in the



backdrop of extensive damage resulting from a fire in the business premises of the petitioner. It is submitted that the petitioner is ready and willing to make payment of the entire dues of the respondent-bank in reasonable instalments.

4. Learned counsel for the respondent-bank appears and has been heard.

5. This Court takes note that the petitioner has adequate statutory remedy before the Debts Recovery Tribunal (DRT) against the action taken by the bank for recovery of its dues which has however not been availed of.

6. In this view of the matter therefore, this Court is of the view that the ends of justice will be met if the petitioner is granted 30 days' time to approach the DRT for redressal of her grievances.

7. In the meantime, the e-auction may proceed, but the sale certificate shall not be issued in favour of the auction purchaser, if any, for the said period and thereafter subject to the orders of the DRT.

8. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.03.2018
Transmission Date	NA

