

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12757 of 2013

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1. M/S Sanjay Enterprises, Alpana Market, Patliputra, P.S. Patliputra, Patna - 800013 Through Its Proprietor Mr. Sanjay Chaubey Son Of Sri Upendra Nath Chaubey Residing At House No.56/2, Road No.23, Sri Krishna Nagar, Patna - 80001

.... Petitioner/s

Versus

1. Uco Bank, Patliputra Industrial Area Branch, Alpana Shopping Centre, Boring - Patliputra Road, Patna 800023
2. Uco Bank 10, B.T.M. Sarani, 10 Braboan Road, Kolkata - 700001
3. The Recovery Officer, 34, Bank Road, Opposite New Police Linne, Lodhipur, Patna - 800001

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey, Advocate.

For the UCO Bank : Mr. Ranjeet Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-08-2018

The present writ petition has been filed for quashing the judgment and order dated 26.04.2013 passed by the Presiding Officer, Debts Recovery Tribunal, Bihar at Patna in Original Application No. 133 of 2012.

2. Learned counsel for the petitioner submits that the Debts Recovery Tribunal ought not to have disposed of the Original Application No. 133 of 2012 in terms of the impugned judgment dated 26.04.2013, on the ground that despite giving several chances, the defendants-petitioner failed to file written statement. It is submitted that the petitioner has approached the



respondent-bank for rescheduling the loan account into term loan in terms of the representation dated 06.06.2012 and was awaiting the result thereof.

3. Learned counsel for the respondents appears and has been heard.

4. Having heard the parties and on consideration of the materials on record, I find the writ petition to be devoid of merit. The petitioner has neither shown any error in the observation of the Debts Recovery Tribunal that no written statement was filed despite several chances, nor shown any violation of natural justice. If the petitioner chose not to file a written statement before the Debts Recovery Tribunal, no infirmity can be found in the action of the Debts Recovery Tribunal in proceeding to decide the matter.

5. Writ petition accordingly stands disposed of.

(Vikash Jain, J)

Sushma/P.S.Chandaran/-

AFR/NAFR	NAFR
CAV DATE	
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