

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11993 of 2013

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Dhananjay Singh Son of Sri Vijay Bahadur Singh Resident of Village - Khami
Daura, P.O. - Durgawati, P.S. - Durgawati, District - Kaimur

.... Petitioner

Versus

1. The Chairman Cum Managing Director Punjab National Bank ,Head Office, 7, Bhikaji Cama Place, New Delhi - 110607, India
2. The Zonal Manager, Punjab National Bank, Chanakya Tower, R. Block - Bir Chand Patel Marg, Patna - 800001
3. The Circle Head, Punjab National Bank, Chanakya Tower, R. Block, Bir Chand Patel Marg, Patna - 800001
4. The Circle Head, Punjab National Bank, G.C. House, Maharaja Compound, Arrah - 802301
5. The Branch Manager, Punjab National Bank, Branch Office, Kabilaspur, District - Kaimur , Pin - 821105
6. The Branch Manager, Punjab National Bank, Branch Office, Gorsara, At & P.O. - Ramgarh, District - Kaimur, Bhabhua, Pin - 821110

.... Respondents

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Appearance :

For the Petitioner	:	Dr. Binay Kumar Singh Mr. Madhav Jha, Advocates.
For the PNB	:	Mr. Kumar Priya Ranjan, SC Mr. Niraj Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-08-2018

The present writ petition has been filed for the following reliefs –

- “(i) For issuance of a writ in the nature of mandamus with a direction to respondent no. 5 to retransfer the amount of Rs. 42 lakh which was illegally reversed from CC Ac No. 2374008700000148 on 10.05.2013 and credited into the account of the drawer maintained by respondent no. 6.
- (ii) For holding that u/s 31 of The Negotiable Instruments



Act, 1881, a Bank is under statutory obligation to honour the customer's cheque.

(iii) For holding that dishonoring the self cheque bearing no. 397516 dated 12.04.2013 for Rs. 33 lakh despite there being sufficient fund in to his account by respondent no. 5 is arbitrary, without jurisdiction and beyond the authority of any law.

(iv) For issuance of a direction upon the respondents not only to honour the cheque illegally returned unpaid without further delay but also to pay adequate compensation to the petitioner for damager to his reputation and causing incalculable loss in his business because of their deliberate and willful default.

(v) For holding that the cheque no. 786841 dated 25.03.2013 for Rs. 42 lakh issued by Prabhu Dayal Singh Proprietor M/s Prabhu Ji Mini Rice Mill favouring the petitioner credited in to his account on 02.04.2013 cannot be reversed and deposited into the account of the drawer on any ground and that no statutory provision provides for it.

(vi) For holding that once the cheque is cleared and the amount is credited into the account of payee, the relationship of creditor and debtor ceases to exist and it cannot be upset thereafter.

(vii) For any other relief or reliefs for which the petitioner may be entitled in the facts and circumstances of this case."

2. Learned counsel for the petitioner Dr. Binay Kumar



Singh submits that during the pendency of the writ petition, the grievance of the petitioner has been redressed and as such the writ petition need not be pressed.

3. Learned counsel for the respondents appears and he has no objection in this regard.

4. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.08.2018
Transmission Date	N.A.

