

Letters Patent Appeal No.132 of 2018

Civil Writ Jurisdiction Case No.11981 of 2017

Sarita Devi, wife of Raju Kumar Gour, resident of Mohalla- Dalelganj, P.O.+ P.S.- Sasaram. District- Rohtas.

... .. Petitioner- Appellant/s

Versus

1. Bank of Baroda, Sasaram Branch through its Branch Manager.
2. The Branch Manager, Bank of Baroda, Sasaram Branch, Sasaram, Rohtas.

... .. Opposite parties-Respondent/s

Appearance :

For the Appellant/s : Mr. R. N. Singh, Advocate

For the Respondent/s : Mr. Dr. Anshuman, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 26-11-2018 Having heard learned counsel for the appellant and
having considered the submissions raised at the Bar, we
condone the defects as pointed out and have proceeded to hear
the appeal itself.

Learned counsel for the appellant contends that the appellant is entitled to the benefits of the Bihar Tenancy Act being a member of Scheduled Tribe and consequently, any such concession or subsidy by virtue of the said Act should be made admissible.

From the impugned judgment of the learned Single Judge, we find that the appellant had approached the Debts



Recovery Tribunal in SARFAESI Application No. 47 of 2017 which was disposed of on 12th June, 2017. The learned Single Judge has observed that the appellant has remedy by way of an appeal before the Appellate Tribunal and consequently, we find no error in the said observation without prejudice to the rights of the appellant to prefer an appeal and seek such remedy, even during the interregnum period before the Appellate Tribunal, as may be available in law. In the event, such an appeal is filed within a week from today, the issue of limitation may not be treated as an impediment in entertaining the same in view of the peculiar facts of this case.

Disposed of.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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