

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19404 of 2017

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Saroj Bala Singh Wife of Late Ajit Kumar Singh Resident of L - 40, Road No. 20, Sri Krishna Nagar, Police Station - Buddha Colony, District - Patna.

... .. Petitioner/s

Versus

1. The UCO Bank through its Branch Manager, Frazer Road, LIC Building, Patna.
2. Manish Singh Son of Late Ajit Kumar Singh Resident of L - 40, Road No. 20, Sri Krishna Nagar, Police Station - Buddha Colony, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr. Ranjeet Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 26-11-2018

The limited prayer made by the petitioner in the present writ petition is for setting aside the order dated 12.09.2017 passed in M.A. No. 75 of 2016, whereby and where under the prayer of the petitioner for restoring M.A. No. 106 of 2015, which admittedly stood dismissed in default by an order dated 25.02.2016, has been rejected.

The learned Presiding Officer has dismissed the aforesaid M.A. No. 75 of 2016, which was filed for restoring M.A. No. 106 of 2015 on the solitary ground that a Division Bench of this Court vide judgment dated 11.07.2017, has precluded the Debt Recovery Tribunal from entertaining Miscellaneous Applications and reviewing its decisions on merits.

The learned counsel for the respondents has submitted that the attempt made by the petitioner to restore the



aforesaid M.As. is in the guise of stalling the recovery proceedings.

I have heard the learned counsel for the parties and gone through the materials on record and though I find that the learned Division Bench has nowhere precluded the Debt Recovery Tribunal from restoring the applications dismissed in default and has merely cautioned them not to revise/review their decisions on merit by entertaining miscellaneous applications one after the other, still for the ends of justice and considering the statements made in the writ petition, this Court is of the opinion that it would be in the fitness of thing to restore M.A. No. 106 of 2015 to its original file.

Accordingly, the order dated 12.09.2017 passed in M.A. No. 75 of 2016 is set aside and M.A. No. 106 of 2015 is directed to be restored to its original file, to be heard on merits by the Debt Recovery Tribunal.

The writ petition is allowed.

(Mohit Kumar Shah, J)

S.Sb/-

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CAV DATE	
Uploading Date	
Transmission Date	

