

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13206 of 2013

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Navin Verma S/o Sri Jagdish Prasad Verma Resident of Flat No. A 604, Lotus Apartment, New Patliputra Colony, P.S. Patliputra, Town & District Patna

.... Petitioner/s

Versus

1. The Punjab National Bank, through its Chief Manager Cum Authorized Officer Punjab National Bank, Special Asset Recovery Cell, Patna- 800001, P.S. Buddha Colony, Town & District Patna
2. M/S Avenier Sahkari Grih Nirman Samiti Ltd., Lotus Apartment, New Patliputra Colony, Patna, through its Secretary Sri Aabhash Jha S/O Arvind Jha, Resident of Mohalla M/1-4/13, Rajendra Nagar, Road No. 10, Town & District- Patna
3. Sri Abhash Jha S/O Sri Arvind Jha Resident of Mohalla M/1-4/13, Rajendra Nagar, Road No. 10, Town & District Patna
4. Phoolmani Devi W/O Late Ram Balak Singh Resident of Village Meyari, P.S. Sarairanjan, District Samastipur
5. Sri Rajpal S/O Bhadrpal Thakur Resident of 326, Nehru Nagar, Patna, P.O. & P.S. Patliputra, Town & District Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the PNB : Mr. Suresh Prasad Singh No.1, Advocate
Ms. Kumari Rashmi, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-08-2018

The present writ petition has been filed against the order dated 29.04.2013 passed in S.A. No. 21 of 2013 by which the Presiding Officer, Debts Recovery Tribunal, Patna has disposed of the said appeal of the petitioner filed under Section 17 of the SARFAESI Act; against the action of the respondent-bank in taking steps under SARFAESI Act; and for connected reliefs.



2. None appears on behalf of the petitioner despite repeated calls.

3. Learned counsel for the respondent-bank submits that in a similar matter arising out of the same O.A. No. 8 of 2007 in which a certificate dated 17.08.2009 had been issued by the Debts Recovery Tribunal, this Court by order dated 28.01.2014 passed in CWJC No. 8683 of 2013 (Anguri Devi Agarwal vs. The Punjab National Bank through its Branch Manager of Punaichak Branch, P.S. Shastrinagar, Patna 800023 and Ors.) did not deem it necessary to go into the merits of the case and granted liberty to file an appeal.

4. Having regard to the stand of the respondent-bank, the present writ petition is also disposed of, without going into the merits of the matter, granting liberty to the petitioner to prefer an appeal against the impugned order in accordance with law, if so advised, if not already preferred.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	NA

