

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15834 of 2015

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Raj Nair daughter of Sri Krishanan Nair, resident of Road No.3, Rajendra Nagar,
P.S. Rajendra Nagar, Patna.

.... Petitioner

Versus

1. The Vijaya Bank, having its registered Office at Bangalore and one of its Branch Mahatma Gandhi Road, P.S. & Distt- Secunderabad, Andhra Pradesh through its Branch Manager, P.S. District Secunderabad.
2. The Debts Recovery Tribunal, Patna.
3. M/S Deccan Paints Ltd. No.1, Lal Bahadur Malhotra Marg, Trimalgherry per its Dirctor, Sri K. Ravi Kumar P.S. & District Secunderabad.
4. Smt. K. Shashi Kumar, wife of Late Shashi Kumar, OCC Household Business resident of 13 Vayapari, P.S. Vayapari Distt Secunderabad.
5. Sri M. Prabhakaran Son of K. Nedungadi, Director M/S/ Deccan Paints Ltd. Resident of 9 Vasavi Colony P.S. Vaya Patri, Secunderabad Distt. Secunderbad
6. Sri K. Ajit Kumar Son of not know to the petitioner, Director M/S/ Deccan Paints Ltd. R.O. 14 P.S. Vayapuri, Distt Secunderabad.
7. Mrs. A.P. State Financial Corporation per its Managing Director, P.P. No. 165, 5, 9, 194 Chirag Ali Lane, P.S. & Distt Hyderabad.
8. Mrs. Sugadha Kumar, wife of Late K. Ravi Kumar, OCC Household, R/o Flat No.3, Building No. 5A Brindawan Society near Kirti Stores Thane P.S. Town West Mumbai, Distt- West Mumbai

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Mishra
Ms. Priya Neha Gupta, Advocates
For the Respondents : Mr. Anshay Bahadur Mathur

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-07-2018

I.A. No. 2171 of 2018

The interlocutory application has been filed for stay the
operation of the order dated 13.07.2015 passed in R. P. No. 31/2017
whereby and whereunder, the Property bearing Property No.
354/166, Circle No. 29 has been attached and the petitioner has been



prohibited from taking any benefit against the property mentioned.

2. Having regard to the nature of the prayer, the interlocutory application is allowed and the same shall be treated as forming part of the writ petition.

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3. The main writ petition has been filed for quashing the order dated 13.07.2015 passed in R. P. No. 31/2017.

4. Learned counsel for the petitioner submits that during the pendency of the writ petition, Appeal No. 49 of 2017/55/45 in Claim Petition – O.A. No. 1056 of 1999 has since been decided by the Debts Recovery Appellate Tribunal at Kolkata by which liability of the petitioner, who happens to be the Guarantor for the land in question, was confined to Rs. 8,50,000/- only jointly and severally with other respondents. To that extent, the impugned order of the Debts Recovery Tribunal had been modified.

5. Learned counsel for the respondents appears and has been heard. A counter affidavit has been filed and placed on record. The stand of the petitioner with regard to the final order passed by the Debts Recovery Appellate Tribunal as aforesaid has not been controverted.

6. In the above view of the matter, the writ petition is disposed of with liberty to the petitioner to approach the Recovery



Officer with a copy of the order of the Debts Recovery Appellate Tribunal and in such event; the Recovery Officer shall proceed in accordance with law.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	05.07.2018
Transmission Date	N.A.

