

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2863 of 2018

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1. Sanjeev Kumar Sada, S/o late Chandra Narayan Sada,
2. Rajeev Kumar Sada, S/o Late Chandra Narayan Sada,
Both are R/o Village- Chharapatti, P.S.- Raniganj, District- Araria.

.... Petitioners

Versus

1. The Authorized officer/ Chief Manager, Bank of Baroda, Bistoria, P.S.-
Rahiganj, District- Araria.
2. The Branch Manager, Bank of Baroda, Bistoria Branch, District- Araria.

.... Respondents

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Appearance :
For the Petitioners : Mr. N.K. Agrawal, Sr. Advocate.
Mr. Dhananjaya Nath Tiwari, Advocate.
For the Respondents : Dr. Anshuman
Mr. Baban Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 21-02-2018

Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The present writ petition has been filed for quashing
the undated sale notice addressed to the petitioners (Annexure-P/4).

3. Learned Senior counsel Mr. N.K. Agrawal appearing on
behalf of the petitioners makes statement at the Bar that the
petitioners are prepared to make an initial payment of Rs. 2,00,000/-
latest by 28.02.2018 and the remaining amount of the outstanding
dues in such reasonable instalments as may be fixed by the
respondent-Bank.

4. Learned counsel for the respondent-Bank appears and
has been heard.

5. Having regard to the stand of the petitioners, this Court
is of the view that the ends of justice will be met if the petitioner is
granted liberty to approach the respondent-Bank with a proposal for



fixation of instalments for clearing the outstanding dues. If, upon making payment of Rs. 2,00,000/- as aforesaid, any such representation is filed by the petitioners within 10 days from today, the same shall be considered and disposed of by the respondent-Bank within a further period of two weeks thereafter on its own merits and in accordance with law, fixing appropriate instalments for realization of the entire outstanding dues from the petitioners.

6. The auction may proceed but the sale shall not be confirmed for the time being and shall abide by the result of disposal of the petitioner’s representation. The respondents would be at liberty to proceed in case of default by the petitioners in either approaching the Bank or in making payment of any two consecutive instalments as may be fixed. Nothing in the present judgment shall also be construed as preventing the petitioner from exercising his right of appeal under Section 18 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

7. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.02.2018
Transmission Date	N.A.

