

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9743 of 2017

-
1. Laxmi Cycle Store Through Its Proprietor Kapildeo Prasad and Ors son of Late Mangal Prasad, resident of Ward No.4, Dayaram Bhaluhi Road, Kateya District Gopalganj- 841737 having its Shop situated at Bhaluhi Road, Kateya District- Gopalganj 841437.
 2. Smt. Saraswati Devi, W/o Late Satyanarayn Prasad, Usari,Bugurge, MH Nagar, P.S. M.H. Nagar, P.O. Hasanpura, District- Siwan.
 3. Smt Kiran Devi, wife of Sri Kapildeo Prasad, resident of Ward No.4, Dayaram Bhaluhi Road, Kateya District Gopalganj- 841737
 4. Pradeep Kumar Jaiswal, son of Sri Kapildeo Prasad, Ward No.4, Dayaram Bhaluhi Road, Kateya District Gopalganj- 841737

... .. Petitioner/s

Versus

1. The Chief Managing Director (C. M. D.) Head Office, State Bank of India, Mumbai.
2. The Chief Manager, State Bank of India, Head Office, Mumbai.
3. The Zonal Manager, State Bank of India, North Bihar, Muzaffarpur.
4. The Branch Manager, State Bank of Kateya Branch, Gopalganj, District- Gopalganj.
5. The Presiding Officer, Debts Recovery Tribunal, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.Santosh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2019 No one appears on behalf of the petitioners.

Learned counsel for the Bank is present.

This writ application has been preferred for setting aside the judgment dated 11.04.2017 passed in O.A. No. 365/2016 by the learned Debts Recovery Tribunal, Patna.

Learned counsel for the Bank has submitted



before this court that the writ application is not fit to be entertained as the petitioners are having an adequate and efficacious remedy of statutory appeal under the provisions of the Recovery of Debts due to Banks and Financial Institutions Act, 1993 (hereinafter referred to as the 'Act of 1993').

On perusal of the records, this court finds that in fact the petitioner is challenging the judgment and certificate of recovery issued by the Debts Recovery Tribunal which is an appealable judgment before the Debts Recovery Appellate Tribunal subject to deposit of 75% of the certificate amount. There being a special statute governing the issue and providing a forum for the petitioners to file an appeal against the impugned judgment and certificate, this court finds no reason to exercise its discretion under Article 226 of the Constitution of India to interfere with the judgment of the Tribunal.

The writ application has no merit. It is dismissed but with liberty to the petitioners to seek their remedy, if any, in accordance with law before an appropriate forum. If such a remedy is applied for within a period of 30 days from



today and a question of limitation arises for consideration
the same will be considered keeping in view the period
spent by the petitioners before this court in the present writ
application.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U			
---	--	--	--

