

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16252 of 2018

-
1. M/s Prince Food Industries at Jai Prakash Nagar, Khagaria, District-Khagaria through its Proprietor Md. Kalimuddin
 2. Md. Kalimuddin, Son of Md. Sahebuddin, Resident of Jai Prakash Nagar, P.S.- Khagaria, District- Khagaria.

... .. Petitioners

Versus

The Union Bank of India, Khagaria Main Branch, Jagnan Complex, 1st Floor,
Mill Road, Khagaria, District – Khagaria.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Respondent/s : Mr.Nishi Nath Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioners and learned
counsel representing the Bank.

The petitioners are seeking to challenge the judgment dated 03.07.2015 passed by learned Debts Recovery Tribunal (in short ‘Tribunal’) in O.A. No. 72 of 2014 by which the Tribunal has allowed the application preferred by the Bank under Section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (hereinafter referred to as the ‘Act of 1993’). The writ application has been filed three years after the judgment and the certificate of recovery has been passed and issued against the petitioners.

Learned Counsel for the Bank is correct in taking a plea that apart from the fact that the judgment impugned is an appellable judgment in terms of Section 20 of the Act of 1993



which the petitioners have not availed, filing of the writ application three years after the judgment is wholly misconceived. Learned counsel has drawn the attention of this Court towards Paragraph 43 of the judgment passed in the case of **United Bank of India Vs. Satyawati Tondon** reported in **(2010) 8 SCC 110** submits that there is no reason as to why this writ application be entertained.

Having heard learned counsel for the parties and on perusal of records, this Court finds substance in the submission of learned counsel for the Bank. The writ application seems to have been filed under a wholly misconceived attempt to litigate the matter three years after the judgment and certificate of recovery issued by the Tribunal. Further, in view judgment of the Hon'ble Apex Court as noticed above there is no reason for this Court to entertain the present writ application.

It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

vats/ved

U			
---	--	--	--

