

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3958 of 2019

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M/S Bhawani Traders through its Proprietor, Dharmendra Singh @
Dharmandra Singh, S/o Late Kapildev Prasad Singh, Residing at Flat No.
101, Taluka Apartment, Budha Colony, P.S.-Budha Colony, Distt.-Patna

... .. Petitioner

Versus

1. The Debts Recovery Tribunal through the Registrar Karpuri Thakur Sadan,
Ashiana Digha Road, Opposite CRPF Sector, Headquarters, Patna-800025
2. The Recovery Officer Debts Recovery Tribunal, A/16, Ashiana Digha Road,
Opposite CRPF Sector Headquarters, Patna-800025
3. The Chairman-cum-Managing Director, Indian Overseas Bank, 763, Anna
Salai, Chennai, Tamilnadu-600002
4. The Regional Manager, Indian Overseas Bank, Regional Office, Near
Biscomaun Building, Maurya Centre, Mazaharul Haque Path, Patna-01
5. The Senior Branch Manager, Indian Overseas Bank, Patna Branch,
Arunachal Bhavan, Exhibition Road Crossing, Patna-01
6. Ambey Food Marketing through its Partner, Mr. Anuj Singh, Flat No. 106,
1st Floor, Gangotri Apartment, Exhibition Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suresh Mishra, Advocate Mr. A.P. Prabhakar, Advocate
For the Respondent/s	:	Mr.Sanjay Singh Thakur, Advocate Mr. Bana Jha, Advocate Mr. Rakesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-08-2019 Let the auction purchaser be impleaded as party
respondent no. 6 in course of the day.

Mr. Rakesh Kumar Singh, learned counsel appears on
behalf of auction purchaser by filing Vakalatnama. Let it be accepted.

I.A. No. 1 of 2019 is also allowed.

Pursuant to the last order dated 10.07.2019 the petitioner



should have produced the bank draft of Rs. 80,00,000/- to show his bonafide but today learned counsel for the petitioner submits that he would be able to produce a bank draft of Rs. 10,00,000/- only. This Court finds that earlier more than a month back this matter was adjourned and no specific time frame was being offered to deposit the entire amount which is in fact less than the ultimate liability which the petitioner may have to bearing the submission being totally vague, learned counsel for the petitioner was asked to seek specific instruction otherwise deposit of Rs. 10,00,000/- may stand forfeited. At this stage, after seeking instruction the learned counsel submits that this Court may grant further three months time within which perhaps the amount may be arranged.

Learned counsel for the auction purchaser has submitted that the auction purchaser has deposited the entire amount of the auction property and as such at this stage only because the petitioner is coming out with some vague statement, he cannot be deprived of getting the fruits of his purchase.

Learned counsel for the Bank also supports the submissions of learned counsel for the auction purchaser.

In the given facts and circumstances of the case, this Court is not being satisfied with the bonafide of the petitioner and is not willing to entertain the present writ application particularly when no infirmity or illegality with the sale process has been pointed out to this Court.



The writ application stands dismissed accordingly.

(Rajeev Ranjan Prasad, J)

vats/ved

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