

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9222 of 2019

1. Rajesh Kumar Verma aged about 41 years (M), S/o Shri Rajendra Prasad Swarankar, R/o Manpur, Near TOP Gopalganj Road, PS-Buniyadganj, Dist.-Gaya, PIN Code-823003
2. Mrs. Saroj Devi aged about 51 years (F) W/o Shri Anil Kumar Singh Villge-Khetila, PO Tetar, P.S. Atri, Dist.-Gaya
3. Ashok Kumar Singh aged about 55 years (M), S/o Late Kedar Nath Singh and husband Late Sheela Devi R/o Village-Malathiya, P.S. Wazirganj, Dist.-Gaoya
4. Ashutosh Kuamr aged about 28 years (M) S/o Shri Ashok Kumar Singh and Late Sheela Devi R/o Village-Malathiya, P.S. Wazirganj, Dist. Gaya
5. Rahul Kumar aged about 23 years (M), S/o Shri Ashok Kumar Singh and Late Sheela Devi R/o Village Malathiya, P.S. Wazirganj, Dist. Gaya
6. Priyanka Kumari aged about 19 years (F), D/o Shri Ashok Kumar Singh and Late Sheela Devi R/o Village Malathiya, P.S. Wazirganj, Dist. Gaya.

... .. Petitioners

Versus

1. Union of India through The Registrar, Debts Recovery Appellate Tribunal Allahabad, Ministry of Finance 147-A 58/1 Jawaharlal Nehru Road, Taygore Town, Allahabad
2. The Authorized Officer-cum-Chief Manager, UCO Bank, Zonal Office, Mauryalok Complex, 4th.Floor, Block-A, New Dak Bunglow Road, Patna-800001
3. Senior Branch Manager, UCO Bank, Main Branch, Opp. Kedar Nath Market, G.B. Road, Gaya, P.S. Gaya, Dist.-Gaya, Pin-823001
4. Dr. Ram Krishan Narayan aged about 40 years (M), S/o Sri Raghubansh Singh, Jagdish Bhawan, Opp. Purani Bijli Office, Khijarsarai Road, Gaya, PS. Gaya Distt.-Gaya, Pin-823003
5. Sri Raghubansh Singh aged about 68 years (M), S/o Late Jagdish Singh Jagdish Bhawan, Opp. Purani Bijli Office, Khijarsarai Road, Gaya, P.S. Gaya, Dist. Gaya, Pin-823003
6. Smt. Rajmani Devi aged about 67 years (F), W/o Raghubansh Singh Jagdish Bhawan, Opp. Purani Bijli Office, Khijarsarai Road, Gaya, P.S. Gaya, Dist. Gaya, Pin-823003

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Dr. Binay Kumar Singh, Advocate
For the UOI	:	Ms. Kanak Verma, C.G.C.
For the Bank	:	Mr. Ranjeet Kumar Pandey, Advocate



CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-09-2019 Pursuant to the last order dated 02.09.2019

passed by this court, now the parties have come forward

with fresh submissions.

While learned counsel for the Bank has upon

instruction submitted before this court that the bank

would be ready to refund the amount received from the

petitioners, learned counsel for the petitioners has drawn

attention of this court towards the statement made in

paragraph '16' of the counter affidavit filed on behalf of

the Bank which reads as under:-

"16. That it is humbly stated and submitted that
the bank with intention to settle the dispute is
ready to accept the amount, if the petitioners are
ready to deposit remaining amount of possession
notice i.e. Rs. 2,29,052/- with contractual rate of
interest @ 12.25% per annum w.e.f. 16.04.2013
along with Sarfaesi cost and other charges."

Learned counsel for the petitioners submits that

the Bank is ready to pay the amount mentioned in

paragraph '16' of the counter affidavit but presently he

is facing some grim situation whereunder his wife is



suffering from Cancer and he is taking care of her treatment, therefore, some time may be allowed to the petitioners to pay the entire amount. Prayer has been made to allow six months time for the same.

It is further submitted that as regards payment of SARFAESI cost and other charges, he would request the Bank to waive those charges from the petitioners as even in terms of the order of the Debts Recovery Tribunal the SARFAESI cost and other charges are to be recovered from the borrower.

Learned counsel for the Bank submits that if the petitioners are ready and willing to pay the amount in terms of paragraph '16' of the counter affidavit and as regards the SARFAESI cost and other charges he decides to make a representation to the Bank, the same will be considered keeping in view the recovery policy of the Bank. Learned counsel for the Bank submits that the petitioner should pay the substantial amount of at least 25% immediately within four weeks and the rest of the



amount be paid together with interest @ 12.25% simple p.a. within a period of six months from today.

In the given facts and circumstances of the case, in view of the submissions of the parties, this writ application is being disposed of by recording the statement of the learned counsel whereunder the petitioners shall deposit 25% of the outstanding amount i.e. the balance amount of Rs. 2,29,052/- plus interest @ 12.25% simple p.a. w.e.f. 16.04.2013 up to date within a period of four weeks from today and then make a request to the Bank not to ask the petitioners to pay the SARFAESI cost and other charges, the Bank will consider the same keeping in view it's recovery policy. This court also records the further undertaking of the petitioner through his counsel that the balance amount in terms of paragraph '16' will be paid within six months from today.

If the aforesaid undertaking is reached by the petitioners the respondent Bank shall be free to proceed



against the petitioners in accordance with law.

The Writ Application stands disposed off
accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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