

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 2295 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 17110 of 2012

=====

Ghuran Jha Son of Late Kedar Jha resident of Village- Dumra, Police Station-
Arer, District- Madhubani.

... .. Petitioner/s

Versus

1. The Zonal Manager, namely Sri C. Chandramauli, the Bank of India, Zonal Office, Pankaj Market, Saraiya Ganj, P.B. No. 17 District & Town-Muzaffarpur.
2. The Branch Manager namely Sri Ashwini Kumar Choudhary Bank of India, Radha Market, Shankar Chawk, Madhubani.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.
For the Opposite Party No. 1	:	Mr. Ajay Kumar Sinha, Mr. Rupak Kumar, Mr. Ajit Kumar Sinha and Ms. Manini Jaiswal, Advocates

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 12-07-2019

Nobody appears on behalf of the petitioner. Mr. Ajay Kumar Sinha, learned counsel for the Bank of India (hereinafter referred to as the 'Bank') has assisted the Court.

2. Supplementary show cause has also been filed on behalf of the Bank.

3. Pursuant to order dated 25.06.2019, Mr. Nukula Behera, Zonal Manager, Bank of India, Muzaffarpur Zone and Mr. Baidyanath Paswan, Branch Manager, Bank of India, Madhubani Branch are present.



4. The only controversy which remained to be clarified in the present case was whether in terms of the order of the Court dated 11.01.2016 passed in CWJC No. 17110 of 2012, the Bank had furnished up-to-date statement of account of CC Account No. 55 of 1997 to the petitioner. From the pleadings, which were on record earlier, it transpired that for the period between 03.07.1995 and 02.04.2005 details of the calculation were not given to the petitioner. However, learned counsel for the Bank submitted that the period for which actual calculation was not provided was from 02.11.2001 to 26.09.2003.

5. Learned counsel for the Bank drew the attention of the Court to copies of letters of acknowledgment of debts/securities dated 20.01.199, 04.12.2001, 10.04.2002 and 05.04.2005, which are the slips issued by the Bank to the petitioner indicating his total balance as on date. It was pointed out that the same have been accepted and acknowledged and also confirmed by the petitioner and he has also appended his signature to the same.

6. Though copy of the affidavit has not been served on learned counsel for the petitioner as he has not appeared, perusal of the same shows that the petitioner had in fact accepted and



acknowledged and also confirmed the amount and had accordingly signed on the said letters.

7. Having regard to the aforesaid, the Court does not find any deliberate or willful violation of the order dated 11.01.2016 passed in CWJC No. 17110 of 2012 by the opposite parties.

8. Accordingly, the application stands disposed off.

9. Personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

