

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15985 of 2017

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Ratneshwar Jha Son of Late Nandlal Jha, Resident of Village-Manpur Ratnawali, P.S.-Runnisaipur, District Sitamarhi, Presently residing at Kailashpuri, Ward No. 9, P.S. Dumra, District Sitamarhi.

... .. Petitioner

Versus

1. The Chairman, Allahabad Bank, Head Office, Kolkata
2. The Regional Manager, Allahabad Bank, Muzaffarpur.
3. The Branch Manager, Allahabad Bank, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Respondent/s : Mr.Nishi Nath Ojha, Adocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-04-2019 Petitioner in this case submits that he had deposited a sum of Rs. 3,75,000/- and Rs. 1,51,000/- in the Lok Adalat held for settlement of disputes with mutual consent. Annexure '3' and '4' to the writ application are the copy of letters addressed to the Manager, Allahabad Bank and the Lok Adalat, Civil Court, Sitamarhi dated 21.02.2016 and 22.11.2016 respectively by which the petitioner has claimed that those payments were made in the Lok Adalat pursuant to a compromise in the year 2014.

Learned counsel for the petitioner submits that the payment was made in good faith, however, these facts were neither recorded in the order sheet of Lok Adalat nor there is



any other documentary evidence to prove that those payments were made pursuant to a compromise reached in Lok Adalat. It is his submission that when these facts were brought to the notice of the Lok Adalat vide Anneuxre '4' to the writ application, the letter of the petitioner was simply referred to the Bank.

Learned counsel for the Bank submits that the plea of compromise which is being taken at this stage by the petitioner is a mere pretext and no such compromise was ever reached. It is submitted that the Account has become 'Non-Performing Asset' (NPA) and the Bank is taking action towards recovery of the outstanding amount. It is for this reason the petitioner has moved this Court at this stage .

Having heard learned counsel for the parties and on perusal of records, this Court finds that the nature of dispute raised by the petitioner in the present writ application cannot be adjudicated by this Court under Article 226 of the Constitution of India. The petitioner admits that he is not in possession of any proof either in the form of order sheet of the Lok Adalat or any other document to show that there was any talk of compromise and payment was advanced pursuant thereto. In such circumstance, this Court is not willing to grant any relief as



prayed in this writ application.

This application is thus, dismissed.

(Rajeev Ranjan Prasad, J)

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