

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13705 of 2018

1. M/s Manishwar Enterprises, Varmalichak, Patnacity, Patna through the proprietor Sh Ram Jewan Singh, Son of Late Bharat Lal Singh, Resident of Village - Gauharpur, P.O. Kothia, Patna City, P.S. - Didarganj, District - Patna.
2. Sh. Ramjewan Singh son of Late Bharat Lal Singh, proprietor M/s Manishwar Enterprises, Resident of Village - Gauharpur, P.S. - Didarganj, P.O. - Kothia, Patna City, District - Patna.
3. Sh. Ganga Dayal Singh son of Late Bharat Lal Singh, resident of village - Gauharpur, P.O. - Kothia, Patna City, P.S. Didarganj, District - Patna.
4. Sh. Jagjiwan Singh son of Late Bharat Lal Singh Resident of Village - Gauharpur, P.O. Kothia, Patna City, District - Patna.

... .. Petitioners

Versus

Punjab National Bank, S. S. I. Branch, J.J. Complex, East Boring Canal Road,
P.O.-Boring Canal Road, P.S.-Budha Colony Town and District-Patna.

... .. Respondent

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mrs. Namrata Mishra, Advocate Mrs. Archana Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 28-08-2019 No one appears for the petitioners to press this writ application, however, learned counsel for the Bank is present.

This Court has perused the materials available on the record. It appears that after three years the petitioners have sought to challenge the order dated 10.07.2015 passed by Recovery Officer, Debts Recovery Tribunal, Patna (in short ‘Tribunal’) in the recovery proceeding being R.P. No. 48 of 2005 arising out of O.A. No. 46 of 2004. By the impugned order the Recovery Officer has confirmed the sale of the immovable



property of Plot No. 3 in favour of Sri Kalika Nand Jha and Smt. Pratima Kumari.

Learned counsel for the Bank has rightly taken a plea that the order passed by the Recovery Officer is an appellable order in terms of Section 30 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 within a period of 30 days from the date of the order. No explanation has been offered by the petitioner as to why he could not avail the remedy of statutory appeal before the Presiding Officer of the Tribunal. In such circumstances alone this writ application filed after three years from the date of confirmation of sale seems to be wholly misconceived.

In the given facts and circumstances of the case, this Court finds no reason to entertain the present writ application.

The writ application is dismissed.

(Rajeev Ranjan Prasad, J)

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