

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2944 of 2018

In
Letters Patent Appeal No.1322 of 2010

-
-
1. Ravindra Nath Tripathy and Anr Son of Shei Kumar Tripathy, R/o Mohalla-Dins Tank, P.S.- Twon Ara, District- Bhojpur at Ara.
 2. Subhash Chandra Thakur, Son of Late Awadhesh Kumar Tiwary, R/o Ara, P.S.- Ara, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The Union of India through Director, Ministry of Finance & Company Affairs, Department of Economic Affairs (Banking Division), New Delhi.
2. Director, Ministry of Finance and Company Affairs, Department of Economic Affairs (Banking Division), New Delhi.
3. Joint Secretary, Ministry of Finance and Company Affairs, Department of Economic Affairs (Banking Division), New Delhi.
4. National Bank for Agriculture and Rural Development through Chief General Manager, Head Office, Bombay
5. Chief General Manager, National Bank for Agriculture and Rural Development, Bombay.
6. Madhya Bihar Gramin Bank through its Chairman, Head Office, Patna.
7. The Chairman, Madhya Bihar Gramin Bank, Head Office, Patna.
8. The Punjab National Bank through its Assistant General Manager (Regional Rural Bank Cell), P.S. and L.B. Division, 5-Sansad Marg, New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brij Bihari Tiwary, Advocate
For Opposite Party/s Nos. 1 to 3	:	Mr.Anjani Kumar Sharan, A.S.G.
For Opposite Party/s Nos. 6 & 7	:	Mr.Prashant Vedasan, Mr.Subhash Chandra Bose, Advocates

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 30-01-2019

Heard learned counsel for the petitioners; Union of India
and respondents No. 6 and 7.



2. The petitioners have moved the Court for modification of the order dated 11.08.2011 passed in L.P.A.No.1322 of 2010.

3. As per the order dated 11.08.2011, the Letters Patent Appeal filed by the petitioners against the order of the learned Single Bench refusing to grant interim stay, the same was not only dismissed but a cost of Rs.10,000/- (Rupees Ten Thousand) was also imposed on the appellants. The same was required to be paid within two weeks. However, the same has been deposited in terms of the order only on 07.05.2013 with the Patna High Court Legal Services Committee. When the petitioners pressed their writ petition before the learned Single Bench on 29.07.2013, it was observed that since the deposit of Rs.10,000/- (Rupees Ten Thousand) was to be made within two weeks and the same had been made after much delay, unless the order dated 11.08.2011 was modified to that extent, the writ petition would not be placed for Admission before the Court. In terms of the said order, the present application has been filed seeking modification relating to extension of the time allowed for depositing the cost of Rs.10,000/- (Rupees Ten Thousand).

4. Learned counsel for the petitioners submitted that they have been visited with penal consequences of recovery



pursuant to the order impugned in the writ petition and on merits also, subsequently in an identical matter, though from the State of Rajasthan, the Hon'ble Supreme Court has passed order in favour of similarly situated persons.

5. Having regard to the aforesaid, the Court is inclined to allow the prayer. Accordingly, the time allowed to the petitioners to deposit Rs.10,000/- (Rupees Ten Thousand) stands extended till 07.05.2013. The matter before the learned Single Bench may now proceed in accordance with law.

6. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	31.01.2019
Transmission Date	N.A.

