

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1124 of 2017

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Saroj Kumar Jha Son of Late Deo Chandra Jha, resident of village and Post - Mehath, Police Station - Jhanjharpur, Bhairav Asthan, District - Madhubani and Presently residing at New C - 1/01, Rajendra Agriculture University Campus, Pusa, District - Samastipur

... .. Petitioner/s

Versus

1. Debt Recovery Tribunal Through Its Registrar, Patna
2. The Recovery Officer, Debt Recovery Tribunal, Bihar, Patna
3. M/s Shiva Video Cassettes, Situated at Mohalla - Purani Gudari, Town and District - Muzaffarpur thr Son of Late Deo Chandra Jha,
4. State Bank of India through its Branch Manager, Muzaffarpur branch at Red Cross Building, Muzaffarp
5. The Branch Manager, Muzaffarpur Branch of State Bank of India at Red Cross Building, Muzaffarpur, P
6. Punjab National Bank through its Branch Manager, Rajendra Agriculture University Branch, Pusa, Sama

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the PNB	:	Mr.Kumar Priya Ranjan, Adv.
For the SBI	:	Mr. Kaushlendra Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

10 08-08-2019 No one appears for the petitioner to press this writ application. Mr. Kaushlendra Kumar Sinha, learned counsel for the State Bank of India and Mr. Kumar Priya Ranjan on behalf of the Punjab National Bank are present.

It appears that this writ application has been preferred for setting aside the order dated 31.12.2016 passed by the learned Presiding Officer, Debts Recovery Tribunal, Patna directing remittance of the amount impounded/attached from the



salary of the petitioner for last 24 months and which were deposited with the respondent no.6 to the certificate holder bank. The petitioner is claiming refund of the entire attached and remitted amount.

Learned counsel for the banks have informed this Court that in fact the brother of the petitioner was running a unit namely M/S Shiva Video Cassettes. He had availed the financial assistance from the bank. This petitioner had stood guarantor of the said loan and to secure the loan he has executed several loan documents. Since they could not repay the bank's dues, a certificate proceeding was initiated in the year 1998 against the borrower and the petitioner before the Certificate Officer, Muzaffarpur for recovery of Rs.16,62,625/-. On establishment of the Debts Recovery Tribunal, the said certificate proceeding was transferred to the Debts Recovery Tribunal and an execution proceeding was initiated before the Recovery Officer where an order was passed directing the employer of the petitioner to deposit certain percentage of salary of the petitioner with respondent no.6. It is submitted that no illegality or infirmity may be found with such order because the petitioner is said to be a guarantor.

Be that as it may, it appears that the petitioner has lost



interest in this case as no one is representing him despite the fact that today was a special date fixed for listing of the SARFAESI matters and a notice was published on the front page of the cause list for last two days.

This writ application is, therefore, dismissed as not pressed.

(Rajeev Ranjan Prasad, J)

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