

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1802 of 2017

=====

Ram Bahadur Singh, S/o Late Baccha Ji Singh, R/o C.K. Chaudhriyana,
Aara, P.S. - Aara town and district of Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Finance Department.
2. Debt Recovering Tribunal, Bihar, Patna through Registrar.
3. The Authorised Officer, Syndicate Bank Regional Office, Maurya Lok Complex, Patna.
4. Chief Officer, Syndicate Bank, Aara.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	None
For the State	:	Mrs. Ratna Kumari, AC to PAAG-2
For the Bank	:	Mr. Siddharth Prasad, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-08-2019 The impugned order dated 19.09.2016 passed by the

learned Presiding Officer, Debts Recovery Tribunal, Patna reads

as under:-

“Considered the contentions of the parties and perused the case.

The present MA has been filed for recalling the order dated 18.12.2015 passed in MA 109 of 2015, which was dismissed as default and the MA 109 of 2015 was filed for restoration of SA 111 of 2014 and the said SA 111 of 2014 was also dismissed as default.

In view of the above facts, it appears that earlier both the cases i.e. SA 111 of 2014 and MA 109 of 2015 were dismissed as default due to non-appearance of applicant. It appears that the applicant is adopting delaying tactics just to frustrate the recovery proceeding, by filing MA after MA. Even, in the present MA, no sufficient grounds have been taken by the applicant for restoration of order dated 18.12.2015, passed in MA 109 of 2015, therefore, I do not find any merit in the MA and the MA is dismissed accordingly.”

Today when the writ application has been called out



no one appears to press this writ application.

Learned counsel for the State as well as the respondent bank are present. It is submitted that the bonafide of the writ application may be judged from the fact that every time the petitioner has neglected the proceeding and whenever the matters were taken up before the Debts Recovery Tribunal those were allowed to be dismissed in default. In such circumstance it has to be held that the applicant is adopting only the delaying tactics for lingering the recovery proceeding.

This Court finds that the Presiding Officer has categorically recorded that in the MA no sufficient grounds have been taken by the applicant for restoration of order dated 18.12.2015 passed in MA 109 of 2015. Since no one is appearing on behalf of the petitioner, this Court has reasons to believe that the petitioner has no interest in pursuing this writ application. Even otherwise, this Court finds no cogent reason to interfere with the impugned order of the learned Presiding Officer, Debts Recovery Tribunal.

This writ application is thus dismissed.

arvind/-

(Rajeev Ranjan Prasad, J)

U			
---	--	--	--

