

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.251 of 2019

In
Miscellaneous Jurisdiction Case No.1647 of 2019

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1. Authorized Officer, Central Bank Of India, Dumara Branch, Sitamarhi-843301 through Sri Neeraj Kumar, Senior Manager
 2. Central Bank of India through Regional Manager, Pawapuri Vihar Building, Near Bhagwanpur Chowk, Muzaffarpur

... .. Petitioners

Versus

M/s Green Earth Fertilizer Pvt. Ltd. through Mr. Subodh Kumar, Director, Industrial Area, Sitamarhi, District-Sitamarhi

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Arbind Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-09-2019 On the last date matter was adjourned on the request of learned counsel for the opposite party to enable him to file a reply to the application.

Today, when the matter has been called out learned counsel for the opposite party submits that no reply is required to be filed. The Court would wish that once a prayer is made for adjournment in the name of filing of the reply it should be made with some sense of responsibility and a casual prayer be not made just to get adjournment in the Court. This is exactly what has been done in the present case on behalf of the opposite party. However, this Court proceeds to consider this application on its own merit in view of the statement made on behalf of the



opposite party that no reply is to be filed.

By filing the present review application, the review petitioners have placed on record certain facts which were not brought to the notice to the writ court at the time of hearing of the matter. It is stated that after filing of the counter affidavit on behalf of the Bank in the writ matter, the Bank had issued possession notice on 04.02.2019 and had also taken physical possession of secured assets on 03.04.2019 and 04.04.2019. The Bank had published auction notice, dated 04.03.2019, fixing 10.04.2019 as the date of auction. The writ petitioners had then filed one Securitisation Application No. 53 of 2019 and one Shobha Kant Thakur claiming himself tenant of the mortgaged property had filed S.A. No. 28 of 2019 before the Debts Recovery Tribunal (in short 'Tribunal').

At this stage, learned counsel for the writ petitioner-opposite party submits that S.A. No. 53 of 2019 had been disposed of by the Tribunal but an application for restoration has been preferred by the writ petitioner which is still pending. So far as S.A. No. 28 of 2019 is concerned, the same is still pending and against an interim order an appeal is pending before the appellate Tribunal.

Be that as it may, the Court is informed that pursuant



to the order dated 05.04.2019 passed in the writ application the writ petitioners had filed an objection before the Bank within the prescribed period of 30 days and the same has already been considered and disposed of by the Bank. The order dated 05.04.2019 has not been appealed against on merit. Though one L.P.A. has been filed but the same is against the cost amount of Rs. 15,000/- alone as has been informed by the learned counsel for the writ petitioner.

In the aforesaid view of the matter, the review application is being disposed of taking note of the aforesaid facts as no further order is required to be passed by modifying or reviewing the order passed in the writ application as the Court has been informed that the petitioners had filed objection and the same has already been disposed of.

Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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