

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12963 of 2016

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Rajeev Kumar Son of Adbhut Prasad, Resident of Village- Brindaban, P.S.-
Uchkagaon, District- Gopalganj, Ex-Proprietor of Adbhut Fashion
Readymade shop, Murli Market, Gopalganj.

... .. Petitioner

Versus

1. Canara Bank, Gopalganj Branch, Gopalganj, District Gopalganj.
2. The Regional Manager, Canara Bank Gopalganj.
3. The Senior Branch Manager, Canara Bank Gopalganj Branch, District-
Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Srivastava, Advocate
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-08-2019 This writ application has been preferred for setting

aside the judgment dated 30.05.2016 passed in O.A. No. 367 of

2015 by the Presiding Officer, Debts Recovery Tribunal, Patna

on an application under Section 19 of the Recovery of Debts

Due to Banks and Financial Institution Act, 1993. The certificate

of recovery is Rs. 13,35,306/- with cost, expenses along with

pendentelite and future interest at contractual rate from

01.09.2015 till realization.

Today, learned counsel for the petitioner submits that

the petitioner wants to settle the account but is not getting any

response from the Bank.

No one has appeared on behalf of the Bank.



However, in the given facts and circumstances of the case, where this Court finds that the judgment dated 30.05.2016 and the certificate of recovery issued thereunder is appealable judgment under the special statute and an appeal remedy is available to the petitioner before the Debts Recovery Appellate Tribunal, this Court would not entertain the writ application challenging the said judgment and recovery certificate.

The petitioner, if so advised, may seek his remedy before the appellate authority. In case the petitioner approaches the appellate authority or the Tribunal with a memorandum of appeal in accordance with law, the same will be considered and in case a question of limitation arises for consideration, the same will be considered keeping in mind the period which the petitioner has spent before this Court after filing of the writ application.

So far as the submission of learned counsel for the petitioner regarding settlement of accounts is concerned, on record at least there is no document to show that after the impugned judgment was passed and certificate of recovery has been issued the petitioner has approached the Bank seeking such settlement.

In case the petitioner is willing to settle the account, it



is open to him to approach the Bank by filing an appropriate application before the authorized officer of the Bank or recovery officer as the case may be offering to pay the amount in question and if such request is made, the same will be considered by the authorized officer/recovery officer in accordance with law. This will, however, not be taken as a ground to delay in filing of the statutory appeal.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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