

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1163 of 2019
In
Civil Writ Jurisdiction Case No.4203 of 2018

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1. Ram Babu Choudhary, Son of Late Biyog Lal Choudhary, Resident of Village- Shahpur, P.S.- Tisiauta, District- Vaishali-844141.
 2. Rameshwar Kumar Choudhary, Son of Late Biyog Lal Choudhary, Resident of Village- Shahpur, P.S.- Tisiauta, District- Vaishali-844141.
 3. Dharmendra Kumar Choudhary, Son of Late Biyog Lal Choudhary, Resident of Village- Shahpur, P.S.- Tisiauta, District- Vaishali-844141.
 4. Smt. Lalita Devi, Wife of Late Biyog Lal Choudhary, Resident of Village- Shahpur, P.S.- Tisiauta, District- Vaishali-844141.

... .. Appellant/s

Versus

1. The Chairman, Debts Recovery Appellate Tribunal, Allahabad (Ministry of Finance, Govt. of India), 147-A/58/1, Jawaharlal Nehru Road, Tagore Town, Allahabad-211003.
2. Union of India, Ministry of Finance, through Secretary, Finance, Govt. of India.
3. The Authorised Officer, Punjab National Bank, SME Branch, East Boring Canal Road, Patna-800001.
4. Kundan Kumar, S/o Lal Babu Sah, R/o Meera Automobile, Purani Bazar, Near Durga Mandir, Thana- Jandaha, District- Vaishali, Pin-844505.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P. K. Shahi, Sr. Advocate Mr. Dr. Binay Kumar Singh, Advocate Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr.S.D. Sanjay (Adl.SG) Ms. Shail Kumari, CGC
For the Punjab N. Bank	:	Mr. Kumar Priya Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER



(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-11-2019 The present Memo of Appeal is directed against the order dated 27.08.2019 passed in C.W.J.C. No. 4203 of 2018 (Ram Babu Choudhary & Ors Vs. The Chairman, Debts Recovery Appellate Tribunal & Ors) whereby and whereunder the learned Single Judge has been pleased to dismiss the writ petition holding it to be one without merit.

Having heard the learned counsel for the parties, we are of the considered view that ends of justice would be best met, if the writ petitioners-appellants were to deposit an additional amount of Rs.40,00,000/- (Forty Lacs) with the Debts Recovery Appellate Tribunal, Allahabad.

We notice that a sum of Rs.1,33,00,000/- approximately already stands recovered by way of sale of mortgaged property.

We are informed that the Debts Recovery Appellate Tribunal, Allahabad did not hear the matter only on account of non-deposit of amount in terms of the Statute.

In our considered view, in the attending facts and circumstances, on deposit of Rs.40,00,000/- (Forty Lacs), the Tribunal will decide the matter.

The parties undertake to be present in the Tribunal on 20.01.2020 for placing the documents on record.



The appeal stands disposed of.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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