IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.108 of 2019

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Arti Shekhar W/o Late Chandrashekhar R/o Village-Sarmastpur, P.O.Chowk Sarmastpur, P.S. Sakara, Distt.-Muzaffrpur

... ... Petitioner

Versus

1. The State Bank of India through Chief Manager, State Bank of India, Main Office, Patna.
2. The Regional Chief Manager, State Bank of India, Muzaffarpur.
3. Zonal Manager, State Bank of India, Muzaffarpur.
4. Branch Manager, State Bank of India, Bhagwanpur Branch, Muzaffarpur

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr.Bipin Kumar, Advocate
For the Respondent/s	:	Mr.Kaushlendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 26-02-2019 This application has been preferred for issuance of a writ of Mandamus directing the respondent authorities to remove the hold of Account No. 37592860740 passed by the Branch Manager, State Bank of India, Bhagwanpur Branch, Muzaffarpur.

It is the case of the petitioner that her husband had availed personal loan as well as car loan from the State Bank of India, Bhagwanpur Branch, Muzaffarpur in the year 2017. He was required to repay the entire loan amount in 60 installments but unfortunately the husband of the petitioner died only after paying 7 installments on 11.02.2018. He was a government servant and due to sudden death of the husband, the entire family came under financial constraints. There were defaults in payments of the loan installment because the death-cum-terminal benefits of the petitioner's husband was not paid in time. The petitioner received the G.P.F. amount and LIC amount from which she cleared the outstanding installments to the Bank and then she started paying some installments every month. It is pointed out that the last installment was paid on 06.10.2018 but then all of a sudden on 31.10.2018, the bank account of the petitioner was placed on hold as a result thereof on the one hand the loan account kept on getting burdened with interest for default in payment and at the same time the petitioner was not able to withdraw her money lying in the account. The submission is, thus, the Bank created a situation because of which the petitioner was unable to pay further installments.

On the other hand, the Bank has filed a counter affidavit in which it is disclosed that the husband of the petitioner had taken a loan of Rs. 8.50 lacs towards purchase of a car and Rs. 3,70,000/- on account of personal loan. It is pointed out that the husband of the petitioner was paying the installments and after death of her husband the petitioner has deposited Rs. 2,08,673/- by way of installment but thereafter she stopped depositing the loan amount as a result of which the loan account has become non-forming assets (NPA) and so, due to non-payment, the Bank applied the hold. After adjustment of all the deposits made by the petitioner, the outstanding dues in the loan account is Rs. 7,62,680/- towards the car loan and Rs. 2,99,536/- towards the personal loan besides the accrued interest thereon.

In course of argument learned counsel representing the petitioner submits that the petitioner is willing and ready to pay the entire loan of the Bank but in the present circumstance where the Bank has placed a 'hold' on the operation of her account and then some of lawful dues of her husband has still not been paid by his employer for which she has moved this Court in C.W.J.C. No. 21060 of 2018, it would not be possible for her to pay the entire loan amount in one go. Submission is that the petitioner is ready to regularize the two loan accounts if she is allowed to operate the account in which the Bank has placed hold. Petitioner is also ready to give an undertaking that she will pay the entire amount in few installments if the Bank permits her to do so and whatever money she will get from the employer of her husband, in due course of time, she also be able to refund the loan amount.

In the aforesaid view of the matter, learned counsel representing the Bank submits that the Bank would only be interested in getting repayment of the loan amounts and in case the petitioner is ready to regularize both the loan accounts, the Bank may consider allowing her to operate the account.

In the given facts and circumstance of the case, this

Court is of the considered opinion that for the present the petitioner may be allowed to operate the account provided she regularize both the loan accounts immediately from the money available in her account right now. Thereafter she will, in terms of her own undertaking, continue to pay the loan installments/EMI in both the loan accounts. In case of default in payment, the Bank will be within its right to invoke the undertaking given by the petitioner and may take appropriate measures for recovery against her including by placing hold on the account in question. In terms of her own undertaking the petitioner will apply, whatever amount comes in her hand from the employer of her husband, firstly on refund of the loans and to close the loan accounts, if possible, at the earliest opportunity.

This writ application is, thus, disposed of with the aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

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