

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7662 of 2020

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Mahesh Kumar @ Mahesh Sah Son of Shivjee Sah, R/o Murliachak, Ward No. 3, Chakmahila, Near Chandra Indian Agency, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

1. The Chief Manager, Zonal Office, Bank of India, Muzaffarpur, Pankaj Market Saraiyaganj, Muzaffarpur.
2. The Branch Manager, Bank of India, Bazar Branch, Central Market Main Road, Sitamarhi, District- Sitamarhi, Bihar.
3. Ajay Kumar, Son of Late Satyanarayan Prasad, R/o Ward No. 11, Purani Bazar, P.S. and District- Sitamarhi.
4. Surendra Sah, Son of Asharfi Sah, R/o Murlia Chowk, Ward No. 4, Near Chandra Indian Office, Sitamarhi, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate
For the Respondent/s : Mr. Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 28-09-2020

This matter has been taken up for hearing through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of physical functioning of the Court, and in any event within one month thereof. Learned counsel for the respondent-bank states that he has no objection in this regard and the matter be taken up on merits in view of the stated urgency.

2. The present writ petition has been filed for setting aside the auction of the petitioner's mortgaged property, which was scheduled to be held on 09.09.2020.

3. Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioner states that the petitioner was a



guarantor in respect of a loan granted to the respondent no. 4 by the Bank of India (respondent no. 2) and had mortgaged his property comprised of RSP Plot No. 104, Khesra No. 104, Thana No. 259 situated in the Court Bazar, Sitamarhi. It is stated that despite the principal debtor having repaid a substantial part of the loan, the petitioner's property has been put on auction for realization of the remaining dues. In any event, the petitioner undertakes that full payment of the entire outstanding dues up-to-date will be made within a stipulated time frame.

4. Mr. Nishi Nath Ojha, learned counsel appears on behalf of the respondent-bank and states that he would file his appearance slip in course of the day, and a Vakalatnama shortly. He submits that the bank would have no objection if the petitioner clears its entire dues together with interest, costs and charges up-to-date in a time bound manner.

5. Having heard the parties and having regard to their respective stand, the writ petition is disposed of, directing the respondent-bank to furnish the details in respect of the loan including interest, costs and charges up-to-date, which should be communicated to the petitioner within a period of one week from today. The petitioner shall immediately thereafter approach the bank for any clarification in this regard and the final amount shall be determined by the parties within a week. Thereafter, as undertaken by the petitioner, the entire dues settled would be paid within one month, without any demur or request for extension of time. It is expected that the bank would not proceed with the auction of the petitioner's property until expiry of the aforesaid period.

6. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the



parties may be made through e-mail and that the petitioner shall be at liberty to request the concerned authority for hearing through video conference. For this purpose, the petitioner shall furnish his mobile number and e-mail ID to the concerned authority.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	29.09.2020
Transmission Date	-

