

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.319 of 2019

In
Civil Writ Jurisdiction Case No.13705 of 2018

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1. M/s Manishwar Enterprises Varmalichak, Patna City, Patna through the Proprietor Sh. Ram Jewan Singh, Son of Late Bharatlal Singh, Resident of Village - Gauharpur, P.O. Kothia, Patna City, P.S. - Didarganj.
 2. Sh. Ram Jewan Singh, Son of Late Bharat Lal Singh, Proprietor of M/s Manishwar Enterprises, resident of village-Gauharpur, P.S.-Didarganj, P.O.-Kothia, Patnacity, District-Patna.
 3. Sh. Ganga Dayal Singh, Son of Late Bharatlal Singh, Resident of Village Gauharpur, P.O.-Kothia, Patnacity, P.S.-Kothia, District-Patna.
 4. Sh. Jagjiwan Singh, Son of Late Bharatlal Singh, Resident of Village-Gauharpur, P.O.-Kothia, Patna City, P.S. Didarganj, District-Patna.

... .. Petitioners

Versus

Punjab National Bank, S.S.I. Branch, J.J. Complex, East Boring Canal Road, P.O.-Boring Canal Road, P.S.-Budha Colony Town and District-Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shambhu Nath Choubey, Advocate
For the Opposite Party/s : Mr.Namrata Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-02-2020 Heard learned counsel for the petitioners and the Bank.

The petitioners are seeking review of the order dated 28.08.2019 passed in C.W.J.C. No. 13705 of 2018 by which the writ application of the petitioners was dismissed after agreeing with the submission of learned counsel for the Bank that the order passed by the Recovery Officer is an appellable order in terms of Section 30 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 within a period of 30 days from the date of the order.



Learned counsel for the petitioners submits that he has moved this Court in review because this Court while dismissing the writ application has not granted any liberty to the petitioners to seek their remedy of appeal. On this ground alone the order dated 28.08.2018 has been sound to be reviewed.

Learned counsel for the Bank, however, submits that the writ application was filed by the petitioners challenging the order dated 10.07.2015 passed by the Recovery Officer, Debts Recovery Tribunal, Patna after more than three years. This fact has been noticed by the learned Writ Court in the order dated 28.08.2019.

It is her submission that the filing of review application for modification of the order seeking leave of this Court to allow the petitioners to file an appeal is only misconceived inasmuch as if the petitioners have got any statutory remedy, it is for them to apply for the said remedy in accordance with law. The learned Writ Court is not supposed to extend the period of limitation which has already expired long back and in the facts of the present case where the writ itself was filed after three years from the date of the impugned order, the learned Writ Court has while dismissing the writ application rightly not gave any observation with regard to the



limitation matter.

Having heard learned counsel for the petitioner and Bank, this Court is of the considered opinion that no error apparent on the face of the record could be pointed out to this Court.

This review application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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