

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1252 of 2020

=====

Jyoti Devi, Wife of Rakesh Kumar, Resident of Village- Fazalganj near Gas Agency, Police Station- Sasaram, District- Rohtas. Petitioner/s

Versus

1. The Government of India through Finance Secretary, New Delhi.
 2. The Finance Secretary, Department of Finance (Banking) Govt. of India, New Delhi.
 3. The Zonal Manager, State Bank of India cum Managing Director, Judges Court Road Bankipur, Patna.
 4. The Branch Manager, State Bank of India, Dehri On Sone District- Rohtas.
- Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Abhoy Kumar Kashyap
For the Respondent/s	:	Mr. S.D. Sanjay (Adsg)
For Bank	:	Dr. B.B. Sinha
	:	Mr. Ajay Dutt Mishra
	:	Mr. Amarjeet Chaudhary

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 24-02-2020

1. The present writ petition has been filed for directing the respondent- Bank of India, not to initiate any legal proceedings against the petitioner to recover the loan amount which has been declared as N.P.A., bearing account no. 61239728977. It has been further prayed to direct the respondents, not to initiate any proceedings under the SARFAESI Act as well as to preclude them from auctioning the piece of land mortgaged by the petitioner against the loan taken by her.

2. The learned counsel for the petitioner has submitted that the petitioner is a poor lady and has become a



victim of circumstances, as such, she has not been able to repay the loan amount, thus the case of the petitioner should be considered sympathetically.

3. The learned counsel for the respondent- Bank has submitted that a bare perusal of the record would show that despite several requests made to the petitioner, she has failed to repay the Housing loan taken by her from the respondent- Bank in the year 2014.

4. I have heard the learned counsel for the parties and perused the materials on record and I find that the reliefs sought for by the petitioner in the present writ petition, are not in consonance with the well- settled principles of law and the respondent- Bank cannot be precluded from taking steps for recovering its loan amount along with interest in accordance with law. Upon a query having been put to the learned counsel for the petitioner, as to whether the petitioner is in a position to pay a sum of Rs. 5 lacs approximately in order to show her bonafides, the learned counsel for the petitioner, upon instructions, has submitted that the petitioner is not in a position to pay even a single penny.

5. Having regard to the stand taken by the learned counsel for the petitioner, this Court is handicapped to grant any



relief to the petitioner, which if granted, would be contrary to law, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2020
Transmission Date	NA

