

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1601 of 2022

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M/s Shree Sai Gitanjali Honda having its office at Pakri Dayal, Ward No. 3, Police Station - Pakri Dayal, District East Champaran, through its proprietor, namely Tunna Prasad aged about 48 years, Male, Son of Raghuvir Prasad, Resident of Village - Sheohar, Ward No. 10, Police Station - Sheohar, District- Sheohar, at present resident of Village - Pakridayal, Ward No. 3, Police Station - Pakridayal, District- East Champaran.

... .. Petitioner/s

Versus

1. The Canara Bank Through its authorized officer, Sheohar Branch, District- Sheohar, PIN code - 843329.
2. The Branch Manager, Canara Bank, Sheohar Branch, District- Sheohar, PIN Code - 843329.
3. Mr. Rahul Kumar Singh Son of Sri Kedar Singh Resident of Village and Post Office - Aura, Police Station and District- Sheohar.
4. Mr. Chandra Kishore Singh Son of Ram Sakal Shahi, Resident of Gayatri Mandir Road, Akhara Ghar, Sheikhpura, Police Station - Ahiyapur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar, Advocate
For the Respondent/s	:	Mr. Rajan Ghoshrahe, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-03-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-



(i) For commanding the respondent bank and its authorities to consider the request of petitioner for settlement of the loan account in quest~~-~~under ^{one} ~~one~~ time settlement scheme as the petitioner is ready to make payment of the loan amount as per the demand notice issued by theme.

(ii) Also for the respondent bank may be restrained from handing over the possession of the mortgaged property to the auction purchaser i.e. respondent no. 3 and 4 till final disposal of appeal being Appeal No. 382 of 2020, which has been admitted and pending for adjudication

before the Learned Debt Recovery Appellate Tribunal, Allahabad, Uttar Pradesh in which respondents have been appeared on notice and time was granted to file reply, but in meantime, due vacancy of Hon'ble Chairman, the said tribunal is not functional.



(iii) Also for in alternative directing the respondent bank to settled the dispute with the petitioner for which the petitioner is ready to compromise and to make payment, whatever outstanding dues against him pursuant to loan amount.

(iv) And for any other relief(s) for which petitioner is found to be entitled in view of the facts and circumstances of the case.

It is brought to our notice that petitioner has preferred an appeal before the Debts Recovery Appellate Tribunal assailing the order dated 23rd of November, 2020 (Annexure-1, page -17), passed in SA No. 51 of 2020, titled as **M/s Shree Sai Gitanjali Honda Vs. Authorized Officer Cum Chief Manager, Canara Bank, Zonal Office, Muzaffarpur & Anr.** by the Presiding Officer, Debts Recovery Tribunal, Bihar.

This Court has been entertaining the petitions only on account of non-functional of the statutory bodies, i.e., Debts Recovery Tribunal and Debts Recovery Appellate Tribunal. As we are now informed, Debts Recovery Appellate Tribunal is fully functional, we, as prayed for, dispose of the present petition reserving liberty to the petitioner to pursue the appeal



before the Tribunal.

We direct the petitioner to appear before the Tribunal on 15.03.2022 at 10.30 A.M. and place on record copy of the order.

We request the Tribunal to hear and decide the petitioner's appeal expeditiously and preferably within a period of eight weeks therefrom.

We clarify that ordinarily we would have entertained the petition considering the *bona fides*, of which we are satisfied of the petitioner intending to settle the matter with the respondent Bank on mutually agreeable and acceptable terms, more so, maintaining the principle of parity in relation to waiver of interest and amount of penalty.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	11.03.2022
Transmission Date	

