

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3294 of 2022

Prity, Wife of Birendra Kumar, R/O - Purabsarai Near Dilip Dharmshala, P.O.
- Munger, P.S. - Kotwali, District- Munger (Bihar) 811201.

... .. Petitioner/s

Versus

1. UCO Bank Through its General Manager UCO Bank, Circle Office, Block - A, Maurya Lok Complex, Patna.
2. Regional Manager U.C.O. Bank Begusarai, Sona Jageshwar Complex Traffic Chowk District- Begusarai, Pin code - 851101.
3. The Authorized Officer UCO Bank Zonal Office, Begusarai - 851101.
4. The Branch Manager, U.C.O. Bank Munger, Bekapur P.O. - Munger, P.S. - Kotwali, District- Munger (Bihar), Pin code - 811201.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dhirendra Nath Jha, Advocate Mr. Chandrashekhar Sharma, Advocate Mr. Dinesh Kumar Gupta, Advocate
For the Respondent/s	:	Ms. Sheela Sharma, Advocate Mr. Shivendra Kumar Roy, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-03-2022

Petitioner has prayed for the following relief(s):-

- i. For quashing or stay of letter of UCO Bank bearing UCO /Munger/2021-22/165A dated 8-2-2022 pasted on 18-2-22 contained in Annexure-9 by which action of physical possession would be made on 23-2-22 in presence of Deputed Magistrate at 11.00 A.M.



ii. For stay in taking the order for deputation police force and deputation of Magistrate Munger at the level of District Magistrate Munger u/s 14 of **SARFAESI Act** by respondent UCO Bank for directing the Superintendent of Police Munger for deputation of police force and directing the SDM sadar Munger for deputation of Magistrate for taking physical possession vacant and to put lock in the premises of **Mauza. Jajalkita Bagdaman, P.S. Kotwali, Distt. Munger bearing Deed No-198, dated 25/01/2014, Mauza- Jajalkita Bagdaman, Thana No- 17, Tauzi No-1056, Ward- 18 (old), 21 (New), Khesra**

No-1934, Area-739 sq. feet (1.70 Decimal).

Boundary

North -Nij Kharidar

South- Successor of Late Dilip Narayan Singh

East- Successor of Late Dilip Narayan Singh,

West- Drainage there after Successor of Late Dilip Narayan Singh

iii. as well as to stay any further coercive action taken by the respondent Bank.

iv. To quash the letter dated 22/7/21 posted on 09-08-21 issued by the bank in teeth of High Court's Order;

v. The respondent Bank may be directed to produce all the loan documents including the statement of account since from the date of loan to till the account become NPA and also be directed to provide the same to the petitioner.

vi. the Bank may be directed to comply the order of CWJC No.- 8568 of 2021 in true sense and sprit of order passed by this Hon'ble High court;



vii. The bank respondents may be restrained to take any coercive steps against the petitioner for sale of immovable property or taking physical possession during pendency of SA 148/2021 without adjudication of case on merit ;

viii. That further proceedings and the steps of the bank against the petitioner may be stayed or restrained;

ix. For grant of any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case by issuance an appropriate writ rule order or ^{order} as deem fit and proper by this Hon'ble High Court;

We are entertaining the present petition in view of the fact that at this point in time, the Debt Recovery Tribunal is not functional on account of non-appointment of Presiding Officer.

Learned counsel for the petitioner states that petitioner is ready and willing to settle the matter with the Bank. To show her *bona fides*, petitioner undertakes to deposit Rs. 3,00,000/- (Rupees three lacs only) on or before 22.03.2022.

Taking a holistic view, we dispose of the present petition on the following mutually agreeable terms:-

(a) Petitioner shall positively deposit a sum of ₹3,00,000/- (three lacs) with the respondent Bank on or before 22.03.2022;



(b) Petitioner shall make herself available in the office of the Respondent No. 4, namely, the Branch Manager, U.C.O. Bank, Munger, Bekapur, P.O.-Munger, P.S.-Kotwali, District-Munger on 22.03.2022 at 10:30 A.M. with a proposal, complete in all aspect, for-(i) re-determining the amount due and payable by the petitioner to the Bank; (ii) seeking waiver of interest on the principal amount due and payable in terms of the policy of the Bank as also the guidelines issued by the Reserve Bank of India;

(c) The Bank shall take a decision on the petitioner's request within a period of eight weeks thereafter;

(d) Such decision has to be in accordance with law; the guidelines issued by the Reserve Bank of India and maintaining parity;

(e) Till the time proposal is pending with the authorities, no coercive action shall be taken against the petitioner.

(f) If the petitioner fails to deposit a sum of Rs. Three lacs, as undertaken by her, or repay the amount in terms of the schedule fixed by the Bank on mutually agreeable terms, it shall be open for the Bank to take recourse to the remedies in accordance with law, including



sale of mortgaged/hypothecated property.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	09.03.2022
Transmission Date	

