

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20283 of 2021

Manju Devi W/o Late Rajniti Ishwar, R/o Village - Ward No. 2, Bharaul
Agapur, P.s.- Mansoorchak, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department,
Government of Bihar Patna
2. The District Magistrate, Begusarai
3. The Branch Manager, Tata Motors Finance Limited, Purnea
4. The Branch Manager, Tata Motors Mahakali Motors Private Limited,
Katihar
5. The Manager, Mahakali Motors Private Ltd., Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Singh, Advocate Mr. Pankaj Kumar Singh, Advocate
For the Respondent/s	:	Mr. Ajay Kr. Rastogi, AAG-10

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 10-02-2022

Heard learned counsel for the parties.

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

(i) For issuance of an appropriated writ,
direction commanding the respondent
authorities to give the detail of the



due loan amount bearing Loan Account No.5003015717 in respect of Truck bearing Registration No.BR09GA-9424 of the husband of the petitioner and give the proceeding documents of loan proposal Quotation, invoice letter and others related relevant documents of the said vehicle, the Respondent No.3 not providing the details of the calculation of loan amount nor providing relevant document of the loan due against the husband of the petitioner.

(ii) For issuance of an appropriate writ, direction commanding the respondent authorities to take the installment amount according to Guideline of the R.B.I.

(iii) For issuance of an appropriate writ, direction commanding the respondent authorities do not take possession of the property of the petitioner's husband as detail the movable property in respect of bearing Truck No.(Vehicle No.)-BR09GA-9424 which has purchased by the husband of the petitioner.

(iv) For issuance of an appropriate writ, direction commanding the respondent authorities to restrain to the respondent either realized the due loan amount of the vehicle or take possession of the vehicle or sold it against the dead person because husband of the petitioner has died.

(v) To grant of other relief or reliefs for which the petitioner is entitled from the facts and circumstances of the case.



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.

After the matter was heard for some time, finding the Bench not to be in agreement with the submissions made across the Bar, more so, on the issue of maintainability, learned counsel for the petitioner states that petitioner be permitted to approach Respondent No. 3, namely the Branch Manager, Tata Motors Finance Limited, Purnea for not only obtaining the documents in relation to the Loan Account No. 5003015717 pertaining to the petitioner's husband, but also submitting a proposal for One Time Settlement.

Prayer allowed.

We are sure that as and when any such request is made, the same shall be considered and decided expeditiously, in accordance with law.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

Petition stands disposed of in the aforesaid terms.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	12.02.2022
Transmission Date	

