IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5510 of 2022

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1. Pankaj Kumar Son of Birendra Kumar Resident of Mohalla - Chand Chaura, Lattu Bagicha, P.S. - Vishnupad, District- Gaya.
2. Kumari Neelam Wife of Sri Pankaj Kumar Resident of Mohalla - Chand Chaura, Lattu Bagicha, P.S. - Vishnupad, District- Gaya.

... ... Petitioner/s

Versus

1. The Punjab National Bank Through its Zonal Manager, Zonal Office, Birchand Patel Marg, Patna.
2. The Zonal Manager, Punjab National Bank, Zonal Office, R. Block, 2nd Floor, Near Chankya Hotel, Veer Chand Patel Path, Patna - 800001.
3. The Circle Head, Punjab National Bank, RAB Branch Rai Kashinath More Branch, Near Anand Cinema, P.O. and H.P.O. - Gaya, P.S. - Civil Lines, District- Gaya.
4. The Branch Manager, Punjab National bank, RAB Branch Rai Kashinath More Branch, Near Anand Cinema, P.O. and H.P.O. - Gaya, P.S. - Civil Lines, District- Gaya.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Sinha, Advocate

For the Respondent/s : Mr.Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-05-2022

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

> "(i) To quash or set-aside the Debt Recall notice issued under SARFAESI Act, 2002 dated 18.02.2022 issued by the Respondent Bank, directing the petitioners to deposit amounting Rs.9,11,652.00 within 15 days against vehicle loan A/C No. 749100NG00005933 despite the fact that hypothetic vehicle in question has already been

taken in possession by the Bank on 20.02.2019 itself.

(ii) To confirm the Inventory slip issued by the Bank and its agent on 20.02.2019 and the said Inventory slip is duly signed and sealed by the then Manager of Bank and its agent also.

(iii) To grant No dues certificate to the petitioner and also to remove the name of petitioner from the owner book of hypothecated vehicle which has already taken back by the petitioner.

(iv) To settle the said vehicle loan amount of the petitioner and to bifurcate the other loan accounts of the petitioner such as Housing Loan A/C No. 749100NC00001984 and O.D. loan A/C No. 749100990000490 from the vehicle loan in question.

(v) And/or any other relief/reliefs for which the petitioners are entitled to in the facts and circumstances of the case.

In view of the fact that now D.R.A.T. is functional, learned counsel for the petitioner, under instructions, states that, the petition may be permitted to be withdrawn, with liberty to file an appeal before the D.R.A.T. or to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

Should the petitioner file the appeal within a period of four weeks from today, since the petitioner has been pursuing remedies before this Court, the issue of limitation shall not be allowed to come in the way and the appeal shall be heard on the merits on the basis of materials available on record.

We are passing such directions only for the reason that the D.R.A.T. was not functional and operational and the petitioner had been pursuing the remedies before this Court.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Rishi/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.05.2022
Transmission Date	