

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9233 of 2022

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M/S BK Industries Ltd. having its registered office at B-104, fourth floor, Priyadarshi apartment, Boring Road, Patna - 800001 through its director Mr Binod kumar Singh age - 48, Male, Son of Mr Ramashish Prasad Singh, resident of B-401, Fourth floor, Priyadarshini Apartment, Boring Road Crossing, Patna - 800001.

... .. Petitioner/s

Versus

Indian Bank (erstwhile Allahabad bank) body Corporate constituted under incorporated under the banking companies (acquisition and transfer of undertakings) act, 1980 having its head Office at Chennai, earlier at 2, N.S. road, Kolkata - 700001 and now merged into Indian bank branch thereof Indian Bank SAMB Patna, Khajpura near Jagdeopath, Bailey Road Patna - 800014.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Archana Sinha @ Archana Shahi, 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 ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-07-2022 Petitioner has prayed for the following relief(s):-

“(i) For quashing of notice dated 18.06.2022 issued by Indian bank for vacating the Premises/only residential house of the petitioner.

(ii) For quashing of notice dated 28.05.2022 by which the possession of the mortgaged property notice was issued by the respondent bank.



(ii) For directing the respondent not to create the Third Party Right when the petitioner is ready to pay amount against the auctioned property/house of the petitioner.

(iv) For any other consequential reliefs for which the petitioner is entitled during course of hearing of this writ petition, and in the facts of this 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is functional, learned counsel for the petitioner, under instructions, states that, the petition may be permitted to be withdrawn, with liberty to file an appeal before the D.R.A.T. or to initiate appropriate proceedings before the appropriate forum and to take recourse to such other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Petition is disposed of as withdrawn with the liberty aforesaid.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)

(S. Kumar, J)

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