

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10761 of 2022

=====

Md. Abdul Sattar Son of Late Md. Nabi Resident of Village- Majhauilya,
P.O.- Jhapaha, P.S.- Ahiyapur, Distt.- Muzaffarpur, Pin- 842004.

... .. Petitioner/s

Versus

1. Bank of India Through its Chairman having its Head Office at Star House,
C-5, Bandra- Kurla Complex, Bandra East, Mumbai- 400051.
2. Zonal Manager, Bank of India, Zonal Office, Chanakya Place, R- Block,
Patna- 800001.
3. The Regional Manager, Bank of India Pankaj Market, Saraiyaganj,
Muzaffarpur, Bihar- 842001.
4. The Authorised Officer, Bank of India, Regional Office, Pankaj Market,
Saraiyaganj, Muzaffarpur, Bihar- 842001.
5. The Branch Manager, Bank of India, Muzaffarpur Branch, Pankaj Market,
Saraiyaganj, Muzaffarpur, Bihar- 842001.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2022

Heard learned counsel for the parties.

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

- (A) For issuance of an appropriate writ/order or direction in the nature of mandamus upon the respondent bank to refund Rs. 12,00,000/- being the excess amount paid to the bank as the conduct of the bank is arbitrary and against the principle of unjust enrichment as contained in Section 72 of the Indian Contract Act.
- (B) For a direction upon the respondent bank to abide by the terms of settlement arrived at between the petitioner and the bank under which the petitioner acted upon but the bank back out
- (C) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts & circumstances of the case.

In view of the fact that Debts Recovery Tribunal is now functional, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition with liberty to take recourse to such other appropriate remedies, as are otherwise available, in accordance with law.

Permission granted.

As and when any such request is made by the petitioner before the Tribunal or the respondent-bank, the same shall be considered and decided expeditiously.

The petition stands disposed of as withdrawn

with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	