IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13750 of 2022

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Puja Kumari W/o Late Dharmendra Kumar, R/o - Village - Talkhapur, Ward No. 8, Nahar Chow (Dumra), P.S.- Sitamarhi, District - Sitamarhi.

... ... Petitioner/s

Versus

1. The Bank of Baroda through its Zonal Manager, 5th Floor, Anand Vihar, West Boring Canal Road, Patna, Pincode - 800001.
2. The Zonal Manager, 5th Floor, Anand Vihar, West Boring Canal Road, Patna, Pincode - 800001.
3. The Regional Manager, Muzaffarpur Region, 3rd Floor, Krishna Honda Building, Akhara Ghat Road, Muzaffarpur.
4. The Branch Manager, Bank of Baroda, 1st Floor, Kailash Market, By Pass Road, Chak Mahila Sitamarhi, Pincode - 843315.
5. The State of Bihar through the District Magistrate, Sitamarhi.
6. The Circle Officer (Sadar), Sitamarhi.
7. The S.H.O., Sitamarhi (Sadar), District - Sitamarhi.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Onkar Nath, Advocate Mr. Ashutosh Kumar, Advocate
For the Respondent/s	:	Mrs. Anuradha Singh, SC-21 Mr. Vivek Prasad, Advocate Mr. Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-09-2022

Heard learned counsel for the parties.

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

i. Setting aside the entire process in furtherance of demand notice dated 05.03.2020 of 13 (2) of SRFAESI Act, 2002 including with possession notice dated 23.06.2020 duly signed by the Respondent No.-4 whereby and whereunder the symbolic possession of the premises of the petitioner was taken with to meet with the loan amount for a sum of Rs. 23,80,666.50/- (Rupees Twenty Three Lacs Eighty Thousand Six Hundred Sixty Six and Fifty Paisa Only).

ii. Further, commanding the respondent authorities particularly the Respondent No.-1st to unlock the house and furnish an opportunity for a reasonable period so that the entire amount ought to be paid.

iii. Grant of any other incidental or consequential relief/reliefs, for which the petitioner can be found entitled for.

It is not in dispute that as on 5th of March, 2020, petitioner was liable to pay a sum of Rs. 23,80,666.50/- to the respondent bank. This was towards the facility availed by the petitioner as term loan/housing loan from the respondent bank. The total credit limit facility was Rs. 25 lacs.

On 16.09.2022, we had passed the following order:-

> "Petitioner is ready to deposit 20 per cent of the amount, as determined by the respondent Bank within a period of one month from today. Also, subject to the respondent giving concession towards waiver of interest, as per the Central Policy of the Bank, petitioner is ready and willing to deposit the remaining

balance amount within a period of nine months from today. It is stated that that some jewellery is lying inside the house, possession whereof stands taken by the Bank. As such, possession of the house in question be handed over to the petitioner to enable her to not only occupy the premises for her personal use but also use of her two children and to enable her to pawn her own jewellery to make payment to the Bank. To obtain instructions, list this case on 22nd of September, 2022 in the category of "Order Matters".

The petitioner is ready to pay the entire amount within a period of six months instead of nine months, as we have recorded supra. With respect to the remaining terms, petitioner is ready and willing to abide by.

We dispose of the petition on the following mutually agreeable terms:-

(a) petitioner shall pay a sum of Rs. 23,80,666.50/- payable as on 05th of March, 2020 along with interest, simple in nature, on the amount till the date of the payment;

(b) 20% of the amount shall be deposited by the petitioner within one month from today;

(c) Petitioner shall approach respondent no. 4, namely, the Branch Manager, Bank of Baroda, 1st Floor, Kailash Market, By Pass Road, Chak Mahila, Sitamarhi, Pincode-843315 inviting attention of the passing of the order;

(d) Within one week therefrom, the respondent bank shall hand over the possession as also the keys of the petitioner's house;

(e) Petitioner shall pay the remaining amount within a period of six months from today;

(f) The order is being passed in the peculiar facts and circumstances, inasmuch as the petitioner is a poor lady and the facility of loan was availed by her late husband. Also, petitioner has expressed her *bona fides* by repaying the amount with the sale of her jewellery and other movable assets;

(g) In the event of the petitioner failing to abide by the order, it shall be open for the respondent bank to immediately take possession;

The present petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/Anjani

AFR/NAFR	
CAV DATE	
Uploading Date	29.09.2022
Transmission Date	