

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21795 of 2019

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M/s Shiv Tally Industries through its proprietor Arbind Kumar aged about 47 years, (Male) Son of Dinesh Rai, resident of Village Dhudhna, P.S.- Jandaha, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The Bank of Baroda, Hajipur Branch, District- Vaishali.
2. The State of Bihar through District Magistrate, Vaishali.
3. The District Certificate Officer, Hajipur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sabal Kumar Jha, Advocate
For the Respondent No.1	:	Mr. Nishi Nath Ojha, Advocate
For the Respondent Nos.2 and 3	:	Mr. Anil Kumar Singh (GP26)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

Petitioner has prayed for the following relief(s):

“ That this writ application is being filed for setting aside the entire proceeding of Case bearing SARFESI Act no. 04/18-19 pending in the court of District Magistrate Hajipur (District Certificate officer) whereby and where under the learned court has initiate a SARFESI proceeding without the notice u/s 13(2) of Enforcement of Security interest under chapter 3rd of 2002. AND/OR pass such any order/orders, writs/ writ,



directions/direction for which the petitioner is entitled to the facts and circumstances of the case.”

Learned counsel for the State states that the present petition has become infructuous inasmuch as the amount stands fully paid and the loan account closed.

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 reserving liberty to take recourse to such other remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

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

The petition stands disposed of as withdrawn with the liberty aforesaid.



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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Saurabh/P.K.P.

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2022
Transmission Date	

