

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.208 of 2022

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Kumkum Devi Wife of Raj Kumar Sah Resident of Shastri Nagar, Ward No. 36, Gulab Bagh, Police Station- Sadar, District- Purnea Proprietor of Rounak Plastic, Purnea.

... .. Petitioner/s

Versus

1. The Regional Manager Union Bank of India, Bhagalpur.
2. The Branch Manager Union Bank of India, Near Ford Company Road, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr.Prabhat Saran, Advocate

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

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 18-01-2022 Petitioner has prayed for the following relief(s):

- “(i) For issuance of writ of mandamus command the respondents to settle the account of the petitioner under the one time settlement (OTS) scheme so that petitioner can pay the entire dues amount.
- (ii) For issuance of appropriate writ to restrain the respondent bank not to proceed to auction sale of the residential house of the petitioner as the same is only house of the petitioner in which she resides with her family as petitioner is ready to deposit the entire amount which will come after one time settlement with the bank.
- (iii) For the other reliefs in the facts and circumstances of the case.”



Learned counsel for the petitioner agrees to pay the total amount as due within a period of six months in six equal monthly installments commencing from February, 2022 onwards, in the event of default not only she be held liable for contempt, but also her mortgaged property be auction-sold.

To establish her bona fides, petitioner is ready to deposit 25% of the total amount within a period of one week.

We are of the considered view that the petitioner's offer is reasonable.

In view of the statement made by learned counsel for the petitioner, under instruction, the petitioner is directed to approach the bank authorities and give an undertaking to the Bank for repayment of due amount in six equal monthly instalments after depositing 25% of the total amount, as due, along with a copy of this order.

Learned counsel for the respondent Bank states that if the petitioner deposits 25% of the total amount within a period of one week, the property shall not be put on auction sale.

Statement accepted and taken on record.

In case of any default by petitioner of undertaking given to Bank for repayment of amount, Bank is at liberty to auction sold mortgaged property of petitioner to realize the



amount as due to the Bank.

Petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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