

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.547 of 2019

- 1.1. Keshari Devi Widow of deceased Rajendra Prasad Resident of Gandhi Tola Rajgir, Post Office and Police Station- Rajgir, District- Nalanda (Bihar).
- 1.2. Sanjay Kumar son of deceased Rajendra Prasad Resident of Gandhi Tola Rajgir, Post Office and Police Station- Rajgir, District- Nalanda (Bihar).
- 1.3. Ajay Kumar son of deceased Rajendra Prasad Resident of Gandhi Tola Rajgir, Post Office and Police Station- Rajgir, District- Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The Branch Manager, State Bank Of India Bazar Branch, Biharsharif, Police Station - Laheri, District - Nalanda (Bihar).
2. Basudeo Mahato, Son of Late Ramdeo Mahato, Resident of Mohalla- Rajgir Kund, Lenin Nagar, Post Office and Police Station- Rajgir, District- Nalanda Bihar.
3. Manoj Kumar,
4. Pankaj Kumar,
5. Sanoj Kumar, All the three Sons of Basudeo Mahto, Residents of Mohalla- Rajgir Kund, Lenin Nagar, Post Office and Police Station- Rajgir, District- Nalanda Bihar.
6. Branch Manager, Central Bank of India, Rajgir Branch, Police Station- Rajgir, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vasudeo Ram, Advocate
For the Respondent/s	:	Mr. Kaushlendra Kumar Sinha, Advocate
		Dr. Maya Nand Jha, Advocate
		Mr. Giridhar Gopal Jha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-12-2022

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

“(i) For issuance of an appropriate writ / order / direction to the respondents to refund Rs. 2,74,743/- (Two Lac Seventy Four Thousand Seven Hundred Forty Three) to the petitioner with interest at the



prevailing Bank rate.

(ii) For granting any other relief / reliefs to the petitioner to which the petitioner be deemed entitled under the facts and circumstances of the case.”

After the matter was heard for some time, finding the Court not to be in favour of the submissions made across the Bar, 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, within a period of six weeks thereafter.

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.

Petitioner shall fully cooperate in the proceedings and the order shall be passed by the authority concerned, in accordance with law, complying with the principles of natural justice as also after affording opportunity of being heard as well as placing on record relevant material.



The reasoned and speaking order, passed by the appropriate authority, shall be communicated to the petitioner.

Liberty reserved to the petitioner to challenge the same in accordance with law, should the need so arise subsequently.

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

At this stage, learned counsel for the respondents states that if the petitioner were to initiate such proceedings within a period of four weeks from today, the issue of limitation shall not be allowed to come in the way of deciding the petitioner's case on merits, within a period of six weeks thereafter.

Statement accepted and taken on record.

The petition stands disposed of as withdrawn in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

