

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7731 of 2018

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Bhawana Karn, Daughter of Vimal Kumar Das, wife of Pankaj Kumar,
Resident of Mohalla- Rajendra Nagar, Madhubani, P.S.- K.Hat, District-
Purnia.

... .. Petitioner/s

Versus

1. The Uttar Bihar Gramin Bank Through The Branch Manager Madhubani Bazar Branch, P.S.- K.Hat, Purnia.
2. The Branch Manager, Uttar Bihar Gramin Bank Madhubani Bazar Branch, P.S.- K.Hat, Purnia.
3. The Regional Manager, Uttar Bihar Gramin Bank Having Office at Srinagar Hatta, Purnia.
4. The Authorised Officer Uttar Bihar Gramin Bank Having Office at Ramashish Chowk, Hajipur.
5. The Chairman, Uttar Bihar Gramin Bank.
6. The General Manager, Uttar Bihar Gramin Bank
7. The Chief Manager Uttar Bihar Gramin Bank Having Head Office at Kamalbagh Chowk, Muzaffarpur.
8. Daksh Professional Consulting Pvt. Ltd., Recovery Agent of Uttar Bihar Gramin Bank through Ritesh Kumar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate
For the Respondent/s : Mr. Prabhakar Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2023

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

“A) For issuance of appropriate writ/writs, order/orders, direction/directions to respondents to take no coercive step against the petitioner and the property (Residential House) which has been mortgaged in the respondent bank to open cash



credit account c.c. A/c-no.- 1008341310000017 for Rs-2.5 lakhs for running business on the name of "M/S Bhawana Traders" in the year 2006.

B) For direction to the respondents to give at least one year time to petitioner to clear the outstanding dues amount on reasonable monthly instalment with further direction to the respondent bank to give some relaxation on the interest amount.

C) For any other relief/ reliefs to which the petitioner is found entitled under the facts and circumstances of the present case.”

Leaving the issue of maintainability open, we allow the petitioner to approach Respondent No. 7, namely, The Chief Manager, Uttar Bihar Gramin Bank, Having Head Office at Kalambagh Chowk, Muzaffarpur, submitting a proposal, complete in all respect, for One Time Settlement of the dispute, waiver of interest in terms of the policy of the Bank as also the guidelines of the Reserve Bank of India.

Learned counsel for the respondents has no objection to the same.

As and when any such request is received, the same shall be considered and decided expeditiously, in accordance with law, within a period of two months thereof, as per the policy of the Bank as also the guidelines of the Reserve Bank of India.



Obviously, such decision has to be on the basis of parity in relation to similarly situated persons.

In the event of petitioner failing to deposit the amount, within the agreed time, it shall be open for the bank to take appropriate action in accordance with law.

We clarify that we have not expressed any opinion on merits. All issues are left open.

Till such time proposal is pending with the authorities, no coercive action shall be taken against the petitioner.

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Saurabh/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	26.01.2023
Transmission Date	

