

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5793 of 2023

Mrityunjay Upadhyay, male, aged about 53 years, son of Ramdeni Upadhyay
Resident of Village-Ambika Nagar, Post Office and Police Station-Motihari,
District-East Champaran.

... .. Petitioner/s

Versus

1. Uttar Bihar Gramin Bank having its sponsor Bank, Central Bank of India, A body corporate constituted under Banking Companies (Acquisition and Transfer of Undertaking) Act, having its Head Office at Kalambagh Chowk, Muzaffarpur-842001, Bihar and having its several Branches at different places including Motihari within District of East Champaran through its Branch Manager, empowered to prosecute case on behalf of Motihari Branch.
2. The Branch Manager, Uttar Bihar Gramin Bank, Motihari, East Champaran.
3. The State of Bihar through the Collector cum District Magistrate, Motihari, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Md. Helal Ahmad, Advocate
For the State	:	Mr. Vishwa Ranjan Choudhary, AC to GP 24
For Bank	:	Mr. Prabhakar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 28-04-2023

Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“That this application on behalf of the petitioner above named is for issuance of a writ in the nature of certiorari and/any other appropriate writ or writs, order(s) or direction(s), is for quashing of judgment and order dated 07.07.2018 passed by the Debt Recovery Tribunal, Patna, For the State of Bihar, in OA Case No. 796/2017, whereby and where under the application filed by Respondent No. 1 for



recovery of Rs. 15,34,064 along with penalty and further interest at the rate of 10% per annum from 01.11.2017 till realization of entire sum due has been allowed and directed to recover Rs. 15,34,064 with cost and further direct the respondents to fix EMI for payment due amount to be deposited by petitioner against the loan amount to the bank. And during pendency of this writ application, stay the impugned orders dated 07.07.2018 passed by the Debt Recovery Tribunal, Patna, For the State of Bihar, in OA Case No. 796/2017.”

3. The petitioner has rushed to this Court without exhausting remedy before the DRAT (Debt Recovery Appellate Tribunal). Accordingly, present petition is not maintainable. Hence, writ petition stands disposed of reserving liberty to the petitioner to invoke remedy of appeal before the DRAT.

4. At this stage, learned counsel for the petitioner submitted that the petitioner is prepared to settle the score with the concerned respondent. In such an event, before filing of appeal, he is permitted to move before the respondents and thereafter prefer appeal.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.04.2023
Transmission Date	NA

