

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20181 of 2021

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Mala Sharma @ Mala Sinha Wife of Late Rajendra Thakur, R/o Mohalla - VIP, Colony, Gonawa Nawada, Police Station- Nawada, District - Nawada, PIN Code - 805110.

... .. Petitioner/s

Versus

1. Regional Manager, Reserve Bank of India Patna Bihar Gandhi Maidan, Pin Code - 800001.
2. The Authorized Officer Bank of Baroda ROSARB Patna First Floor Sarjug Complex Neharu Nagar Patliputra Pin Code - 800013.
3. The Branch Manager Bank of Baroda Nawada near L.I.C. Office New Rajendra Nagar, Patna Road Nawada Pin Code - 805112.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Pd. Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P.7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-01-2023

Re.: I.A. No.01 of 2022

For the reasons assigned, the application is allowed. Name of original petitioner namely, Mala Sharma @ Mala Sinha, who expired on 05.12.2021 leaving behind the legal heirs as per the particulars mentioned in the application, their names are directed to be substituted with that of the original petitioner.

Registry to make necessary correction in the cause title of the petition.



I.A. No.1 of 2022 stands disposed of.

Re.: CWJC No.20181 of 2021

Petitioner has prayed for the following relief(s):

“(i) For a direction to the respondents No.2 to stay the E-Auction sale Notice dated 03.11.2021 and give time for 6 months for depositing loan money.

In the view of facts the petitioner is mother of lone and has made granters and she executed her own sale deed in favour of Bank of Baroda Nawada. After them the son Late Vijay Kumar had taken 12 lack loan by C.C. Account Through Bank of Baroda Nawada on February 2012 Vijay Kumar Alok, Proprietor of M/S Kumar Traders was running regular with giving all dues to the Bank. But in the mean time Vijay Kumar Alok was died 02.05.2017 and after then the M/S Kumar Traders has stopped the petitioner is (widow) leading has gone to Bank many time for knowing due of M/S Kumar Automobile but no any replied has given by the respondent no.2 and after three years the respondent no.2 issued a E-auction notice dated 3.11.2021 to the petitioner and others the respondent no.2 has given short time on date 8.12.2021 to the petitioner due to oblige intention.

(ii) Any other relief/reliefs for which petitioner is entitle for.”

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	07.01.2023
Transmission Date	

