

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19008 of 2019

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Shobha Devi W/o Shri Sunil Kumar Gupta Resident of 21, Raj Colony Civil
Line, Sasaram, P.S.- Sasaram Town, District- Rohtas.

... .. Petitioner/s

Versus

1. The Union of India through Finance Secretary, Finance Department, Govt. of Bihar, New Delhi.
2. The Zonal Manager, (FGMO) Union Bank of India, Doranda, Ranchi.
3. The Regional Manager, Union Bank of India, Regional Officer, Frazer Road, Patna.
4. The Branch Manager, Union Bank of India, Sasaram Branch G.T. Road, Sasaram, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra, Advocate
For the Union of India : Mr. Arbind Tewari, Advocate
For the Union Bank of India : Mr. Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-01-2023

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

“That this is an application for issuance of appropriate writ (s), order (s) or direction Commanding the Respondents for amicable settlement of the loan amount taken by the



petitioner as the rice mill of the lady petitioner has become sick and the petitioner herself has suffered from brain stroke and is still under treatment and supervision of the doctor and is the meanwhile, husband of the petitioner also met a serious accident and on account of spinal injury he himself too was under prolonged treatment at Veranasi, and the petitioner has already deposited total of Rs. 65 lakhs in which Rs. 45 lakhs has been deposited after setting her five bighas of land on the assurance of the Respondent No. 4 and for rest of the loan amount, the petitioner is running from pillar to post for amicable settlement, but the respondents are acting in ipse dixit manner and the case of petitioner is not being heeded to at all and therefore the act of the Respondents is arbitrary, highhanded, unjust and the same against the doctrine of parity as well as in colorable exercise of the power conferred to them which is causing serious prejudice to the helpless and ill fated petitioner and has also infringed the fundamental right of the petitioner conferred to her under article 21 of the constitution of India.”

Learned counsel for the respondents places on record the terms of the settlement entered into between the parties.

Communication dated 20.12.2022 is reproduced hereinunder:-



यूनियन बैंक  **Union Bank**
OF INDIA

सहकारी
संस्था

From: Branch Head Sasaram Branch (60330)	To: The Borrower / Guarantors M/s Om Sai Mini Rice Mill Dohari, PO Moronatal Sasaram
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Ref. No. : SASM/OM SAV/195/2022-23 Date: 20.12.2022

Sub: OTS APPROVAL OF OM SAI MINI RICE MILL

NAME OF THE ACCOUNT	M/S OM SAI MINI RICE MILL
OTS APPROVE ON M/S OM SAI MINI RICE MILL AS PER RO SANCTION	Sanction ref no. NPAOTSC0053993 DATED 29.11.2022

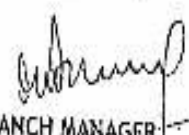
We are pleased to inform you that your OTS proposal is accepted by our competent authority and sanctioned the proposal for Rs.9100000.00 (Ninty One Lakhs only)

Payment is to be made as per the following schedule:-

- **Upfront money to be deposited immediately Rs.2500000.00 (Rupees Twenty Five Lakhs)
- ** An amount of Rs.2200000 (Rs.Twenty Two Lakhs) to be deposited in the month of December (UPTO 31.12.2022),.
- ** An amount of Rs.2200000 (Rs.Twenty Two Lakhs) to be deposited in the month of January (UPTO 31.01.2023),.
- ** An amount of Rs.2200000 (Rs.Twenty Two Lakhs) to be deposited in the month of February (UPTO 28.02.2023),.

ACCEPTANCE OF BORROWER / GUARANTORS

श्रीमती देवी


BRANCH MANAGER

In view of the aforesaid, the present petition stands disposed of.



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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

shiv/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2023
Transmission Date	

