

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.148 of 2019

In

Civil Writ Jurisdiction Case No.3618 of 2015

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Sri Chandra Shekhar Rai Azad Son of Late Ram Ballabh Rai Resident of
Kadamtalla, Sarvodaya Nagar-4, Sector 4, P.O. and P.S.- Bokaro (Jharkhand).

... .. Petitioner/s

Versus

1. The Bihar State Financial Corporation, Patna Through Its Managing Director, Ranjeet Kumar and Ors having its head Office at Frazer Road
2. Ranjeet Kumar, Son of not known, The Managing Director, Bihar State Financial Corporation, Frazer Road, Patna.
3. Rajnikant, Son of not known, The Branch Manager, Bihar State Financial Corporation, City Centre, Behind Jitendra Cinema, Sector-4, P.O. and P.S. Bokaro, District- Bokaro.
4. M/s Jagannath Industries, a Partnership firm having its office at Polytechnic Road, P.O. and P.S.- Dhanbad, District- Dhanbads through one of its Partner Sri Krishan Kumar Ganeriwal.
5. Krishan Kumar Ganeriwal Son of Late Gridhari Lal Ganeriwal Resident of Polytechnic Road, P.O. and P.S.- Dhanbad, District- Dhanbad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Nikhil Kumar Agrawal, Advocate
Mr. Yash Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-02-2024 Heard the parties.

2. The present petition has been preferred for the compliance of order dated 20.02.2017, passed in CWJC No. 3618 of 2015.

3. On 20.02.2017, the writ Court directed as follows:

“12. The writ in the nature of specific performance of contract cannot be adjudicated in the present proceeding. It can



only be adjudicated before the competent Civil Court, but instead of relegating the matter to the Civil Court, it will be equitable to hold that the Corporation cannot be directed to execute the Sale Deed in favour of the present petitioner to that extent the writ petition is dismissed, but admittedly, the petitioner has deposited 25% of the consideration amount as well as the Earnest Money, the same should be returned by the Corporation along with interest. Hence, the Corporation is directed to return entire amount which has been deposited as well as the Earnest Money, which the petitioner has deposited, alongwith interest at the rate of 9% per annum within a period of three months from today. In failure to pay the amount within a period of three months from today, the Corporation will be required to pay the interest at the rate of 15% per annum.”

4. Learned counsel for the petitioner submits that the



actual payment was made on 09.08.2018 alongwith 9% interest whereas they were supposed to pay 15% interest per annum, in view of the fact that they defaulted in making the payment within the period of three months.

5. A show cause on behalf of the opposite party No. 1, 2 and 3 has been filed, in which, in paragraph 13 they have stated that the petitioner gave undertaking that he won't ask for 15% interest.

6. The show cause was filed in the year 2019, to be precise on 12.07.2019, after serving copy upon the learned counsel for the petitioner, there is no reply to the said averment made by the opposite party, even after lapse of 5 years.

7. In that view of the matter, this Court is satisfied that the payment has been made in compliance of the order passed by the writ Court.

8. M.J.C. No. 148 of 2019 stands disposed of.

(Rajiv Roy, J)

Adnan/-

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