

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.302 of 2023

In

Civil Writ Jurisdiction Case No.4211 of 2022

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1. M/s Madhu Traders Village - Hasanpur Surat, P.O. and P.S. - Patory, District- Samastipur (Bihar), through its proprietress Smt. Madhu Choudhary.
 2. Smt. Madhu Choudhary, Wife of Sri Abhay Shanker @ Abhay Shanker Choudhary Village - Hasanpur Surat, P.O. and P.S. - Patory, District- Samastipur (Bihar) (Proprietress of M/s Madhu Traders).
 3. Abhay Shanker @ Abhay Shanker Choudhary, Son of Late Bishun Choudhary Village - Hasanpur Surat, P.O. and P.S. - Patory, District- Samastipur (Bihar).
 4. Uday Shanker @ Uday Shanker Choudhary, Son of Late Bishun Choudhary Village - Hasanpur Surat, P.O. and P.S. - Patory, District- Samastipur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Chaitanya Prasad Son of not known, the Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. Sri Yogendra Singh, Son of not known The District Magistrate, Samastipur, District- Samastipur.
3. Sri Ajay Kumar Tewary, Son of not known The Additional Collector - cum- Additional District Magistrate, Samastipur, District- Samastipur.
4. Sri Vikash Kumar Singh, Son of not known The Circle Officer, Patory, District - Samastipur.
5. The State Bank of India, Corporate Centre, Madam Kama Road, Mumbai (Maharashtra) through its Chairman, Sri Dinesh Kumar Khara, Son of not known.
6. Sri Braj Kishore Singh, Son of not known The Assistant General Manager, State Bank of India, Stressed Assets Recovery Branch (SARB), 2nd Floor, Patna Main Branch Building, West of Gandhi Maidan, Patna (Bihar).
7. Sri Shashi Ranjan Chaudhary, Son of not known The Authorized Officer, State Bank of India, Stressed Assets Recovery Branch (SARB), 2nd Floor, Patna Main Branch Building, West of Gandhi Maidan, Patna (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate
	:	Ms Anju Kumari @ Anju Narain, Advocate
	:	Ms. Sanjana Kumari, Advocate
For the Opposite Party/s :		Mr. Manish Kumar (GP 4)



CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-05-2024

In the present contempt petition, learned counsel submitted that the petitioner has already cleared all the dues of the respondent-bank and it is not disputed by the learned counsel for the respondents. In this backdrop, learned counsel for the petitioners submitted that respondent-bank have to hand over the documents relating to subject matter of property and business. Such a relief cannot be granted in the present contempt petition for the reasons that there is no specific direction or observation that as and when petitioner cleared all dues of the respondent-bank and bank have to hand over the documents. In the absence of such direction, the present contempt petition cannot be proceeded to.

2. Accordingly, the present MJC contempt petition stands dropped, reserving liberty to the petitioner to invoke appropriate forum in seeking release of relevant documents of the subject matter of the property read with the business if it is in possession of the respondent-bank. Before approaching the forum, the petitioners are hereby directed to approach the bank for release of documents. Hope bank will proceed in accordance with law insofar as releasing of subject matter of documents if it is not



materialized, in that event, the petitioner is at liberty to approach the appropriate forum.

3. With the above observation, the present MJC contempt petition stands dropped.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	NAFr
CAV DATE	N/A
Uploading Date	16.05.2024
Transmission Date	N/A

