

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.577 of 2022

In

Civil Writ Jurisdiction Case No.3505 of 2022

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1. Krishna Kumar Sinha Son of Late Shyam Bihari Lal, Resident of Mohalla-Sri Ram Colony, Bengali Colony Road, Town-Patna City, P.O.-Begumpur, P.S.-Chowk, District-Patna.
 2. Smt. Sunita Sinha Wife of Sri Krishna Kumar Sinha, Krishna Resident of Mohalla-Sri Ram Colony, Bengali Colony Road, Town-Patna City, P.O.-Begumpur, P.S.-Chowk, District-Patna.

... .. Petitioner/s

Versus

1. The Union of India, Department of Financial Services, Ministry of Finance, Government of India, New Delhi, through its Secretary.
2. Indian Bank (Erstwhile Allahabad Bank), Patna Main Branch, Budh Marg, Town and District-Patna (Bihar), through its Assistant General Manager Shri Rajesh Sharan
3. Shri Rajesh Sharan, Son of name not Known, the Assistant General Manager, Indian Bank (Erstwhile Allahabad Bank), Patna Main Branch, Budh Marg, Town and District-Patna.
4. Shri G.N. Jha, Son of name not known, the Chief Manager and Authorized Officer, Indian Bank (Erstwhile Allahabad Bank), Patna Main Branch, Budh Marg, Town and District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kumar, Advocate
For the Respondent	:	Mr. Dr. Awjani Pd Singh (CGC)
For Indian Bank	:	Mr. Dr. Binod Kumar Jha, Advocate
	:	Mr. Devendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-07-2024

The present MJC is filed for non-compliance of the order dated 09.03.2022 passed in CWJC No.3505/2022. This Court made certain observation insofar as settling the score among the petitioners and respondents and it is as under :



2. Mutually agreeable terms are as under:-

- (a) Petitioners will positively deposit of a sum of Rs. Three Lacs in two installments, out of which Rs. Two lacs will be deposited on or before 17.03.2022 and the rest amount of Rs. one Lakh on or before 31.03.2022 ;*
- (b) Petitioners will make themselves available in the office of Respondent No. 3, namely, the Authorized Officer, Indian Bank (erstwhile Allahabad Bank), Patna Main Branch, Budh Marg, Town & District, Patna, on 17.03.2022 at 10:30 A.M. along with receipt of deposit of Rs. Two lacs, with a proposal, complete in all aspect, for-(i) re-determining the amount due and payable by the petitioners to the Bank; (ii) seeking waiver of interest on the principal amount due and payable in terms of the policy of the Bank as also the guidelines issued by the Reserve Bank of India;*
- (c) The Bank shall take a decision on the petitioners' request within a period of two weeks thereafter;*
- (d) Such decision has to be in accordance with law; the guidelines issued by the Reserve Bank of India and maintaining parity;*
- (e) Till the time proposal is pending with the authorities, no coercive action shall be taken against the petitioners.*
- (f) If the petitioners fail to deposit a sum of Rs. three lacs, as undertaken by them, or repay the amount in terms of the schedule fixed by the Bank on mutually agreeable terms, it shall be open for the Bank to take recourse to the remedies in accordance with law, including sale of mortgaged/hypothecated property.”*

3. The petitioners have complied in depositing a sum of

Rs.2,00,000/- (two lakhs) on 15.03.2022 and Rs.1,00,000/- (one lakh)

on 30.03.2022 vide Annexures P4 and P5. Thereafter, petitioner was



required to appear before the concerned bank on 17.03.2022 at 10:30 A.M., he had appeared as is evident from Annexure-P6, there was no response. Be that as it may, he had submitted representation on 17.03.2022, it is evident that he had visited the bank. In the meanwhile, on 09.03.2022 respondent- bank proceeded to auction the subject matter of property at Rs.20,87,000/- (Twenty lakhs eighty seven thousand only). The same has been withheld even to this day. On 25.03.2022, respondent-bank have considered the grievance of the petitioner and determined a sum of Rs.10,18,255/- was required to be paid by the petitioner on 31.03.2022 he has failed to deposit or in the alternative question the validity of Annexure-P7 dated 25.03.2022.

4. Taking note of aforementioned dates and events, it is evident that respondent-bank have not committed any contempt.

5. Accordingly, the present MJC stands dropped.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.07.2024
Transmission Date	N/A

