

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.990 of 2023

In
Civil Writ Jurisdiction Case No.6877 of 2021

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Mahendra Sah, son of Late Raghunath Sah, R/o Village-Paigambarpur, P.S.
Ahiyapur, District-Muzaffarpur (Bihar) PIN-843108.

... .. Petitioner

Versus

1. The Canara Bank through its Chairman-cum-Managing Director.
2. The Regional Manager, Canara Bank, Patna.
3. The Chief Manager Canara Bank Bhagwanpur Branch, Muzaffarpur.
4. The Authorized Officer, Recovery Branch of Canara Bank Bhagwanpur,
Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar, Advocate
For the Opposite Party/s : Mr.Rajan Ghoshrahe, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 18-03-2024

The present M.J.C./Contempt petition is filed for
non-compliance of order dated 12.07.2022 passed in C.W.J.C.
No. 6877 of 2021.

2. It is necessary to reproduce portion of the order
dated 12.07.2022, it reads as under:-

*“We are hopeful that till such time a
decision on such application is taken by the
authorities, the respondent shall not precipitate the
action for taking over possession of the property in
question. This shall be for a period of four weeks
from filing.*

*We only hope and expect the tribunal
to expeditiously decide the application/petition on*



merits in accordance with law.
The petition stands disposed of in the
aforesaid terms.
Interlocutory application, if any, shall
stand disposed of.”

3. Learned counsel for the respondents, on instruction, submitted that subject matter of property was taken over on 03.09.2022. Therefore, there is no contempt committed by the respondents. That apart, petitioner has not apprised this Court whether has he obtained any interim order before the D.R.T. in respect of taking over possession of the subject matter of property in question. In absence of interim order before the D.R.T, there is no infirmity in the order dated 03.09.2022 on behalf of the respondent Bank in taking over the possession of the property.

4. Accordingly, the present M.J.C/Contempt petition stands dropped as not maintainable.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

manish/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A
Uploading Date	19.03.2024
Transmission Date	N.A

