

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 1397 of 2018

In
Civil Writ Jurisdiction Case No.5489 of 2009

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Punjab National Bank, through its the Chief Manager, Exhibition Road
Branch, Police Station - Gandhi Maidan, District- Patna.

... .. Appellant/s

Versus

1. Union of India through the Secretary, Ministry of Finance, Government of India, New Delhi.
2. Debt Recovery Appellate Tribunal through Registrar, Debt Recovery Appellate Tribunal, 7 Old Post Street, 7th Floor, Kolkata presently at Allahabad.
3. Debt Recovery Tribunal, Patna. through its Registrar, 396, Boring Canal Road, Patna (At Present Office- Debts Recovery Tribunal, 2nd Floor, A, B and F wing, Karpuri Thakur Sadan, Ashiana Digha Road, Near Rajiv Nagar Thana, Patna - 800025).
4. The Recovery Officer, Debt Recovery Tribunal, 396, Boring Canal Road, Patna (At Present Office- Debt Recovery Tribunal, 2nd Floor, A, B and F wing, Karpuri Thakur Sadan, Ashiana Digha Road, Near Rajiv Nagar Thana, Patna 800025).
5. Sri Ram Chandra Khan S/o Late Bahadur Khan Sharma Resident of M/52/22A, H.O. Dr. Yashwant Singh, Road No. 25, Sri Krishna Nagar, Patna.
6. M/s Thriller a proprietorship concern M/s through its Proprietor Sri Rajiv Kumar Sinha, Resident of Ground Floor, C/o T.S. Jamuar, C.P. Thakur Path, Shivpuri attached to Professor Colony, P.S. - A.N. Collage, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Raj Nandan Prasad, Advocate Mr. Vishesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Deepak Kumar, Sr. CGC Mr. Arvind Kumar, CGC

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

5 07-10-2024 The appeal is against the interim order which granted transposition of the Respondent No. 7 as the writ petitioner.

2. On the brief facts, the 7th respondent was the borrower from the appellant-bank and the mortgage was made of the properties of his father Arvind Kumar Sinha. Arvind Kumar Sinha died and his wife, the mother of the borrower, Kamala Devi was substituted as the writ petitioner. Kamala Devi also expired, in which circumstance the 7th respondent sought transposition as the writ petitioner.

3. The bank objected on ground that the 7th respondent and the writ petitioner had conflict in contentions regarding mortgage.

4. It is seen from the impugned order itself that the 7th respondent is admittedly the sole legal heir of the deceased parents.

5. In such circumstances, there is absolutely no difficulty in substituting him, who is actually the borrower against whom allegations were raised, which property now he succeeds to.



6. In the above circumstances, we are of the opinion that the writ petition itself can be disposed of and there is no reason to interfere with the interim order passed.

7. The appeal is closed with liberty to either parties to urge their contentions in the writ petition.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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