

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3724 of 2024

In

Civil Writ Jurisdiction Case No.1248 of 2020

Raghunath Prasad Chaudhary Son of Late Ram Chandra Chaudhary Resident
of Village- Bishnpurwa, P.S. Bagaha, District- West Champaran-845105.

... .. Petitioner.

Versus

1. The State of Bihar through Dinesh Kumar Rai, District Magistrate, West Champaran.
2. Niraj Kumar, through Branch Manager, Central Bank of India, Narayanpur, Bagaha-2, District- West Champaran.
3. Dharmendra Kumar, through Regional Manager, Regional Office, Central Bank of India, Baluatal, Motihari, District- East Champaran.
4. R.R.Sinha, through Zonal Manager, Zonal Office, Central Bank of India, Maurya Complex, Patna-800001.
5. Anish Kumar through Officer-in-Charge, Bagaha (Pathkauli), O.P. Police Station, Bagaha.

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr. Gautam Kumar Kejriwal, Advocate. Mr. Alok Kumar Jha, Advocate. Mr. Mukund Kumar, Advocate.
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-3.
For the Respondents-Bank	:	Mr. Ajay Kumar Sinha, Senior Advocate. Mr. Ajit Kumar Sinha, Advocate. Ms. Dilkash Khan, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

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

Date : 12-12-2024

The present M.J.C./Contempt Petition is filed for non-compliance of the orders of this Court dated 14.09.2022 passed in C.W.J.C. No.1248 of 2020 read with the petitioner's representation dated 22.11.2022.

2. The concerned respondents were required to comply the orders of this Court on or before 21.03.2023, however, the same has not been complied, resultantly, the



present M.J.C./Contempt Petition has been filed.

3. Today, learned counsel for the respondents-Bank on instructions submitted that certain documents have been deposited with the respondents-Bank on behalf of the petitioner towards security insofar as grant of certain loan to buy the tractor. The respondents-Bank have misplaced or it has been inadvertently handed over to a third party, resultantly, they are not in a position to return the documents furnished by the petitioner while borrowing loan for the tractor.

4. Banks have an ethical and legal responsibility to protect their customer's assets and transactions. In the present case, Respondents-Bank have failed to protect the interest of its customer-petitioner.

5. Certain disputed issues are involved in the present lis insofar as which are the documents furnished by the petitioner and some of them have have been admitted. Be that as it may, respondents are hereby directed to secure relevant property documents from the Revenue Records in the form of duplication/certified property documents and provide the same to the petitioner within a period of six months from today, failing which petitioner is at liberty to file an Interlocutory Application to revive this order.



6. In the light of the aforementioned facts and circumstances, customer like a petitioner having a trust with the respondents-Bank and furnished original property documents for the purpose of securing loan and the same has been misplaced by the respondents-Bank, which has caused undue hardship to the petitioner for more than one year. If the property documents were returned timely, the petitioner might have utilized those documents for some other purpose. Thus, the respondents-Bank have caused undue hardship to the petitioner. Hence, the respondents-Bank are hereby directed to pay cost of Rs.50,000/-(Rupees Fifty Thousand) to the petitioner within a period of three months from the date of receipt of this order, since it is impracticable to implement the Court order in manner in which it was ordered.

7. With the above observations, the present M.J.C./ Contempt Petition stands dropped.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2024.
Transmission Date	NA

