

(2022) 01 PAT CK 0044

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 11847 Of 2021

Anita Devi

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 12-01-2022

Acts Referred:

Citation : (2022) 01 PAT CK 0044

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Alok Kumar Sinha, Manish Kumar, Sunil Kumar No. III

Final Decision : Disposed Of

Judgement

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(i) For issuance of a writ in the nature of Mandamus or any appropriate order direction to set aside the order dated 02.01.2021 passed in SARFAESI

Case No.26/2021 by the learned District Magistrate, Samastipur, whereby and where under he has directed to Circle Officer, Dalsingh Sarai to assist

the Secured Creditor Central Bank of India, Dalsingh sarai Branch in taking possession of the mortgaged property in question.

(ii) For issuance of a writ in the nature of Mandamus or any other appropriate writ, order or direction to set aside the possession notice for immovable

property dated 05.11.2019 issued by Authorized Officer, Dalsingh Sarai Branch Central Bank of India, Dalsingh sarai.

(iii) For issuance of appropriate writ to stay the possession notice dated 05.11.2019.

(iv) For issuance of appropriate writ in. the nature of Mandamus directing and

commanding the respondent to affording reasonable period of time and opportunity to the petitioner to discharge her liability in full.

It is the petitioner's contention that as against the sum of Rs. 9 lacs (approx.) due in the year 2018, petitioner has already paid Rs. 5.6 lacs and the remaining amount, she is ready and willing to deposit in three equal installments.

To establish her bona fides, petitioner is ready and willing to deposit a sum of Rs. 50,000/- within a period of one week. Also, she would approach the respondent-Bank for waiver of the interest in terms of the Reserve Bank of India guidelines.

Let petitioner approach the respondent-Bank within the next one week making an offer also praying for waiver of the interest.

We are sure that considering the facts and circumstances of the case, the Bank would take a view which is just, fair and reasonable. Also, the Bank would favourably consider the possibility of waiving of interest in terms of Reserve Bank of India guidelines.

Undertaking of the petitioner to pay the amount is accepted and taken on record with the consequences of breach thereof having been explained to her through her learned counsel.

Petition stands disposed of in the aforesaid terms.

Liberty reserved to the petitioner to approach the court, should the need so arises subsequently.