
(2010) 09 UK CK 0186

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1545 of 2010

Balwant Singh

APPELLANT

Vs

Tehsildar Roorkee and Punjab National Bank

RESPONDENT

Date of Decision : 10-09-2010

Acts Referred:

Citation : (2010) 09 UK CK 0186

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.

(Stay Application No. 7442 of 2010)

1. Heard learned Counsel for the parties and perused the record.
2. Learned Counsel for the petitioner has filed the affidavit of service showing that respondent No. 2- Branch Manager Punjab National Bank, Imlikhera has refused to take the notice issued Dasti to the bank. The same is taken on record.
3. By means of this writ petition, the petitioner has sought a writ in the nature of mandamus directing the respondents to receive the amount under recovery citation (Annexure-1) from the petitioner in easy instalments.
4. According to the petitioner, he took a loan of Rs. 5,00,000/- lakhs under the Kisan Credit Card Scheme for a period of five years in March 2008. The petitioner could not pay the interest, which was payable yearly. Ultimately, the impugned recovery citation (Annexure-1 to the petition) was issued against the petitioner demanding him to pay amount of Rs. 6,30,722/- along with recovery charges, which gave rise to the present writ petition.
5. In the course of arguments, learned Counsel for the petitioner has urged that the petitioner is ready and willing to repay the entire outstanding amount under the impugned recovery citation in easy instalments.

6. In the above facts and circumstances, it would be in the fitness of things that the petitioner be directed to pay the entire outstanding amount under the recovery citation (Annexure-1 to the petition) in four equal quarterly instalments.

7. In the above facts and circumstances, the petitioner is directed to pay the entire outstanding amount under the recovery citation (Annexure-1 to the petition) in four equal quarterly instalments before the recovery officer-respondent No. 1-Tehsildar Roorkee along with recovery charges. The first quarterly instalment shall be payable by the 15th day of November 2010 and the subsequent instalments shall fall due by the 15th day of the month after every three months thereafter. It is made clear that in case the petitioner commits default in payment of any of the instalments, as directed above, the respondents would be at liberty to recover the entire outstanding amount from the petitioner in lump-sum. Accordingly, the impugned recovery citation issued by the respondent No. 1 (Annexure-1 to the petition) shall not be given effect to by the respondents.

8. With the above direction, the writ petition is disposed of finally.