
(2012) 03 UK CK 0025

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 481 of 2012

Ganesh Maurya

APPELLANT

Vs

Allahabad Bank and Tehsildar City Dehradun.

RESPONDENT

Date of Decision : 22-03-2012

Acts Referred:

Citation : (2012) 03 UK CK 0025

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

Hon"ble B.S. Verma, J.—Heard. By means of this writ petition, the petitioner has sought a writ in the nature of mandamus directing the respondents to permit the petitioner to repay the outstanding dues under the impugned recovery citation dated 14-2-2012 (Annexure No.2) in easy instalments.

2. The petitioner took a loan/financial assistance on cash credit limit from the respondent no.1-Bank to the tune of Rs. 6,80,650/- for the purpose of enhancing honey business unit. It appears that the petitioner could not repay the loan amount, hence impugned recovery citation was issued against the petitioner. The petitioner is ready to pay the entire outstanding amount under the recovery citation in easy quarterly instalments.

3. In the course of arguments, learned counsel appearing on behalf of the respondent no.1-Allahabad Bank has submitted that the bank would have no objection if the petitioner pays half of the defaulted amount by the close of March 2012 and that rest of the amount is paid in not more than four equal quarterly instalments.

4. Learned counsel for the petitioner, on the other hand, has submitted that the petitioner is ready to pay a sum of Rs. 3,00000/- (three lacs) before the recovery officer along with recovery charges by 31-3-2012.

5. In the above facts and circumstances, the petitioner is directed to deposit a

sum of Rs. 3,00,000/- (three lacs) before the respondent no.3-Tehsildar Dehradun by 31-3-2012 along with recovery charges. The petitioner is also directed to deposit the remaining amount under the impugned recovery citation before the recovery officer along with recovery charges in four equal quarterly instalments. The first quarterly instalment shall fall due by 31st May 2012 and the subsequent instalments shall be payable by the last day of the month after every three months thereafter. It is made clear that in case the petitioner commits a 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.3 (Annexure-2 to the petition) shall not be given effect to by the respondents.

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

7. All pending applications stand disposed of. A certified copy of this order be issued to the learned counsel for the parties by tomorrow on payment of usual charges.