
(2012) 09 SHI CK 0048
In the High Court Of Himachal Pradesh
Case No : CWP No. 2705 of 2012-A

Jagan Nath

APPELLANT

Vs

Punjab and Sindh Bank

RESPONDENT

Date of Decision : 17-09-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 09 SHI CK 0048

Hon'ble Judges : V.K. Sharma, J; R.B. Misra, J

Bench : Division Bench

Advocate : Varun Chandel, vice Mr. Rajiv Jiwan, for the Appellant; Vandana Kuthiala, Advocate and Mr. Sanjay Kumar, Manager, Punjab and Sindh Bank, Mubarakpur, also present, for the Respondent

Final Decision : Dismissed

Judgement

R.B. Misra, J.—Heard. In compliance to order dated 23.04.2012, further proceedings pursuant to Annexure P-4, were stayed subject to deposit of an amount of Rs. 1,00,000/- by the petitioner before respondent No. 3. The said amount is stated to have been deposited. Thereafter, the case was listed on 22.05.2012 and on that day reply was expected and the petition was ordered to be listed on 27.6.2012, when the writ petition was ordered to be listed on 04.09.2012 and the petitioner was directed to deposit further amount of Rs. 1,00,000/- by that time. It has been brought to our notice that in compliance to the order dated 27.06.2012, an amount Rs. 40,000/- only has been deposited by the petitioner. On 04.09.2012, a direction was issued by this court that the petitioner shall remain present in the court on 17.09.2012. The petitioner is present today before the court, however, neither any application for extension of time nor for modification of the order dated 27.06.2012, was preferred. The petitioner is defaulter and has not complied with the order and direction dated 4.9.2012 of this court. Prayer for quashing the proceedings initiated by the respondent-bank under Securitization and Reconstruction of Financial Assets and

Enforcement of Security Interest Act, 2002, has been made in the present writ petition. It appears the petitioner has not been vigilant in complying this court's order. In facts and circumstances, keeping in view the nature of dispute and litigation, this court is not going to invoke its discretionary jurisdiction under Article 226 of the Constitution of India, as such, the writ petition is dismissed.

2. However, steps against the petitioner may be taken in accordance with law and in case the petitioner deposits the entire original amount of loan to the satisfaction of the respondents and subject to giving undertaking satisfying the respondents for depositing remaining amount of interest, the respondents are at liberty to accommodate the petitioner as permissible under law, as this court is not giving any further protection to the petitioner. The petition, as also pending CMPs, if any, stand dismissed.