

(2010) 10 UK CK 0123

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1736 of 2010

Mohan Ram

APPELLANT

Vs

The Collector Nainital, The Tehsildar and Nainital District Co-operative Bank

RESPONDENT

Date of Decision : 08-10-2010

Acts Referred:

Citation : (2010) 10 UK CK 0123

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.—Heard learned Counsel for the parties and perused the record.

2. By means of this writ petition, the petitioner has sought a writ in the nature of certiorari quashing the recovery citation dated 308-2010, issued by the respondent No. 2 (Annexure-1 to the petition) demanding the petitioner to deposit a sum of Rs. 52,876/- along with recovery charges and interest.

3. According to the petitioner, he took a personal loan of Rs. 30,000/- in the year 2000 from the respondent No. 3-Bank. Due to illness and other reasons, the petitioner could not deposit the installments with the respondent-Bank. Ultimately, the impugned recovery citation (Annexure-1 to the petition) was issued against the petitioner on 30-8-2010 by respondent No. 2-Tehsildar, Nainital. The petitioner claims to have deposited some amount towards repayment of loan and he has annexed a receipt (Annexure-2) issued by the Collection Amin showing that an amount of Rs. 9,900/- was paid by the petitioner on 8-9-2010.

4. In the course of arguments, learned Counsel for the petitioner submitted that the petitioner is ready and willing to repay the entire outstanding amount under the recovery citation along with recovery charges in easy installments. On the other hand, learned Counsel for the respondent-Bank Mr. K.K. Shah, Advocate, has submitted that the respondent-Bank would have no objection if the entire

outstanding amount along with recovery charges is paid by the petitioner in not more than four equal quarterly instalments, the first installment to be paid within a period of six weeks.

5. In the above and circumstances of the case, it would be in the fitness of things to direct the petitioner to repay the entire outstanding amount under the impugned recovery citation (Annexure No. 1 to the petition) along with recovery charges before the recovery officer-Tehsildar Nainital in four equal quarterly installments. The first quarterly installment shall be payable by 25th day of November, 2010.

6. Accordingly, the petitioner is directed to pay the entire outstanding amount under the recovery citation (Annexure-1 to the petition) in four equal quarterly installments before the recovery officer-respondent No. 2-Tehsildar Nainital along with recovery charges etc. The first quarterly installment shall be payable by 25th day of November 2010 and the subsequent installments shall fall due by the 25th 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 installments, 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. 2 (Annexure-1 to the petition) shall not be given effect to by the respondents.

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