

(2009) 04 AHC CK 0266
In the Allahabad High Court

Ram Sundar

APPELLANT

Vs

State of U.P.Thru Secy.Revenue and Others

RESPONDENT

Date of Decision : 27-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0266

Hon'ble Judges : Arun Tandon, J

Final Decision : Disposed Of

Judgement

Arun Tandon, J.

Heard learned counsel for the petitioner and Shri A.K.Mishra, Advocate on behalf of the respondent Bank.

Petitioner has admittedly obtained loan from respondent no. 3 Bank. He has committed default in payment of the loan amount. Recovery proceedings have been initiated vide Recovery Citation dated 04.02.2008. The amount mentioned in the citation is to the tune of Rs. 3,75,750/ plus collection charges etc.

Counsel for the petitioner submits that he is ready and willing to deposit the entire amount due, provided he is granted some reasonable time for deposit of money.

Counsel for the respondent Bank agrees to deposit of the money in installments to be fixed by this Court.

In view of the aforesaid, it is provided as follows :

(a) The petitioner shall deposit one fourth of the total amount demanded on or before 30th July, 2009.

(b) Within one week of the said deposit of money, petitioner shall make a representation before the Bank furnishing the statement of account including the money due up to date.

(c) The Branch Manager shall furnish a complete statement of account within two weeks, thereafter.

(d) Petitioner shall deposit the balance outstanding amount shown in the statement of account in three equal installments of three months each, commencing from 30th October, 2009.

(e) Recovery proceedings against the petitioner shall remain in abeyance up to 30th July, 2009 at the first instance and in case payments are made, as indicated above, no coercive action shall be taken against the petitioner in pursuance to the said recovery certificate.

In case of default in compliance of any of the conditions mentioned above, the petitioner shall not be entitled to the benefits of this order and it shall be open to the respondent bank to recover the balance amount in accordance with law. If the deposits are made in terms of this order by the petitioner, he shall not be liable to pay any recovery charges.

The petitioner is also granted liberty to make a representation seeking benefit under the Agricultural Debt Waiver & Debt Relief Scheme, 2008, after depositing the first instalment. The application shall be considered by the Branch Manager.

With the aforesaid observations, the writ petition is disposed of.