

(2022) 02 PAT CK 0079

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 694 Of 2022

Uday Kumar Singh

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 28-02-2022

Acts Referred:

Citation : (2022) 02 PAT CK 0079

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Lal Mani Sharma, Sarvesh Kumar, Namrata Mishra

Final Decision : Disposed Of

Judgement

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

“(I) For issuance of an appropriate writ, order or direction directing and commanding the respondents particularly to the respondent no.4 the Branch Manager to release immediately without any further delay the vehicle of the petitioner i.e., Scorpio Car bearing Registration No. BR 31 P A-3003.

(ii) For issuance of an appropriate writ directing and commanding the respondents to allow the petitioner for repayment of the rest due amount of the loan sanctioned and disbursed/ paid to the petitioner as loan by the respondent State Bank of India, Vaishali Branch for purchase of the aforesaid Car Scorpio by the petitioner, in equal installments.

(iii) For issuance of an appropriate writ directing and commanding the respondents not to take any coercive step against the petitioner including by selling his vehicle in auction and to allow the petitioner to repay the rest due amount of the loan amount in equal installments.

(iv) For any other relief/reliefs of which the petitioner is legally entitled to.”

Ms. Namrata Mishra, learned counsel for the Bank, states that as on date sum of Rs.9,50,000/-(approximately) is due and payable by the petitioner. The amount includes all charges incidental or otherwise including penal interest. However, recovery agent charges would be payable separately.

Ms. Mishra, states that there is a scheme for settlement which the petitioner can avail, and should the petitioner approach respondent no.4, namely, the Branch Manager, Vaishali Branch, State Bank of India, Vaishali, District- Vaishali, for (a) waiver of interest; (b) waiver of charges; (c) re-fixation of repayment schedule; (d) re-fixation of monthly instalments; the bank would take an appropriate decision in accordance with law.

We are of the considered view that the Bank would, take a sympathetic view considering the hardship enumerated in the writ petition, which, of course, has to be in accordance with law maintaining the principle of parity. We are sure that if such benefits have been accorded to other similarly situated persons, petitioner would also be rendered same treatment.

Learned counsel for the petitioner contends that the petitioner is ready and willing to have the dispute amicably resolved with the bank, for which purpose, to establish his bona fide, petitioner is ready and willing to appear before respondent no.4, namely, the Branch Manager, Vaishali Branch, State Bank of India, Vaishali, District- Vaishali on 07.03.2022 at 10:30 A.M. on which date, bankers cheque for a sum of Rs. 2 lacs shall be deposited with the Bank.

Pending consideration of the petitioner's request, we direct that on deposit of such amount, the possession of the vehicle shall be handed over to the petitioner.

Till such time the decision is taken on the petitioner's request, no further coercive action shall be taken against the petitioner.

Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.