

(2022) 05 SHI CK 0028

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 2514 Of 2022

Yudh Chand

APPELLANT

Vs

Kangra Central Co Operative Bank Limited

RESPONDENT

Date of Decision : 10-05-2022

Acts Referred:

Citation : (2022) 05 SHI CK 0028

Hon'ble Judges : Tarlok Singh Chauhan, J;Chander Bhusan Barowalia, J

Bench : Division Bench

Advocate : Rajiv Jiwan, Prashant Sharma, Rakesh Thakur

Final Decision : Disposed Of

Judgement

1. Notice. Mr. Rakesh Thakur, appears and waives service of notice on behalf of respondent.

2. The instant petition has been filed for the grant of following substantive relief(s):

(I) That a writ in the nature of mandamus may very kindly be issued thereby directing the respondent Bank to afford one more opportunity to pay back the loan, within a reasonable time.

(ii) That the respondents may kindly be directed to not to take any coercive action against the petitioner till the final disposal of the representation which is pending before the respondents as Annexure P-7."

2. At the time of hearing, a very innocuous prayer was made by the petitioner that his representation Annexure P-7 be ordered to be decided by the respondent in a time bound manner.

3. As observed above, the prayer being innocuous is allowed and respondent-Bank is directed to consider and decide the representation of the petitioner, Annexure P-7 within a period of two weeks from today by passing a speaking/

reason order, after affording an opportunity of hearing to the petitioner. Ordered accordingly.

4. It is expected that respondent-Bank shall not take any coercive action against the petitioner till the final disposal of the representation. It is made clear that the instant order is being passed in the peculiar facts and circumstances of the case and shall not be treated as a precedent in future. In the meanwhile, petitioner shall ensure that he shall not cause any depreciation to the value of the property.

5. In view of this, the instant petition is disposed of. The pending application(s), if any, are also disposed of.