

Court No. - 4

Case :- WRIT - C No. - 58119 of 2017

Petitioner :- Shailendra Pal Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Akank Kumar Jain

Counsel for Respondent :- C.S.C., Rohit Yadav

Hon'ble Abhinava Upadhyay, J.

Heard learned counsel for the petitioner; Shri Rohit Yadav, learned counsel for the Bank-respondent no. 4 and learned Standing Counsel appearing for the State-respondents no. 1, 2 and 3.

By means of this writ petition, the petitioner has prayed for quashing the recovery citation dated 13.10.2017 for recovery of an amount of Rs. 4,00,609/-.

The petitioner had taken a loan of Rs. 1,40,000/- in the year 2007. On default being committed, the recovery has been initiated.

Learned counsel for the petitioner submits that the petitioner accepts the entire liability and is ready to deposit the entire amount provided he is given some reasonable time to deposit the amount.

Shri Rohit Yadav, learned counsel for the respondent-Bank submits that the Bank has no objection provided the petitioner deposits the entire outstanding amount within the time allowed by this Court and on default being committed by the petitioner in depositing the amount, the Bank may be given liberty to proceed further in the matter.

Considering the facts and circumstances of the present case, ends of justice would be served in disposing of the writ petition with the following directions:

1. The petitioner shall deposit the entire outstanding amount in four equal instalments and the first instalment shall be paid on or before 30th January, 2018 and thereafter remaining three instalments shall be deposited within every six months.

2. After the deposit of the first instalment, the Bank shall provide a statement of account to the petitioner after adjusting the amount deposited by the petitioner and subsequent instalments shall be paid accordingly.

3. If the petitioner deposits the entire amount as aforesaid with the respondent, no recovery charges shall be taken from him.

4. Subject to payment as directed above, no coercive action shall be taken against the petitioner by the respondents.

5. In the event of petitioner committing any default in depositing the amount as directed above, the respondents will be at liberty to proceed against the petitioner in accordance with law and the recovery proceeding shall be revived.

With the aforesaid observations/directions, the writ petition is finally disposed of.

Order Date :- 6.12.2017

Sunil Kr. Gupta