

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAI PUR BENCH, JAI PUR.

ORDER

S. B. CIVIL WRIT PETITION NO. 1182/ 2006.

Babu Lal and ors.

Vs.

S. D. M. Chaksu and ors.

Date of order :-

31/ 1/ 2008.

HON'BLE MR. JUSTICE M. N. BHANDARI

Shri G. P. Kaushik for the petitioners.

Shri G. K. Garg with

Shri Pramod Shandilya for the respondents.

The application for substitution of the name of the respondent No. 2 Bank is allowed. Name of the bank so mentioned is substituted and amended cause title is ordered to be taken on record. The matter was then heard on application for vacation of interim order but with the consent of the parties, matter was finally heard.

Learned counsel for the petitioner submits that as per the policy of the Reserve Bank if matter is remitted back to the petitioner for consideration of settlement of dues, he will make payment of the remaining amount but the bank should be directed to recover the said amount in some easy instalments though by charging appropriate interest as per R. B. I. Guidelines.

Learned counsel for the respondents submits that the petitioner is not making payment after taking loan and now the amount due as per the settlement of the bank is Rs. 1, 99, 000/- . Learned

counsel for the respondents however submits that if the matter is sent back for settlement as per R.B.I. Guidelines then, matter of the petitioner would be looked into and petitioner would further be informed about the amount due after receipt of sum of Rs. 2,36,000/- from the petitioner till now.

In view of above, the respondent-bank is directed to consider the matter of the petitioner as per the R.B.I. Guidelines and after providing hearing, petitioner may be informed about complete amount so that due amount may then be paid by the petitioner. In that regard, amount may be recovered in some easy instalment. The petitioner is directed to make a representation in that regard to the bank and thereafter bank shall take up the matter and finalise the same as per the R.B.I. Guidelines within a period one month thereafter. It is expected from the petitioner that the entire due amount shall be paid by him within the scheduled time given by the respondents, in case of default, respondents would be free to take action in the matter.

The writ petition is disposed of accordingly.

(M N. BHANDARI), J.
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