

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

Writ Petition No. 1558 (MS) of 2009

Mohd. Asim

...Petitioner

Versus

State of Uttarakhand and others

...Respondents

Mr. H.S. Dhillon, Advocate for the petitioner.

Mr. K.P. Upadhyay, learned Addl. Chief Standing Counsel for the State of Uttarakhand/ respondent no. 1 and 2.

Mr. Arvind Vashisth, Advocate for respondent no. 3.

Dated: September 25, 2009

Hon'ble V.K. Bist, J.

Heard learned counsel for the parties.

Present writ petition has been filed by the petitioner for quashing of the Recovery Certificate no. 13118 dated 07.09.2009 issued by the Tehsildar, Tehsil Nainital.

Brief facts of the case are that on 17.10.2008 the petitioner took personal loan of Rs. 1,20,000/- (Rs. One lac twenty thousand) from the Central Bank of India, Branch Mallital, Nainital for a period of three years and Rs. 3200/- monthly installment was fixed. From 17.10.2008 to 30.06.2009 the petitioner made repayment of Rs. 47,043/- against the loan amount.

The submission of learned counsel for the petitioner is that petitioner is running a shop of mobile phone accessories at Tallital in the name of Ruma Communication and due to bad luck the business of the petitioner was badly affected and due to which he could not deposit the balance amount regularly. The aforesaid loan was repayable in installments to the respondent-Bank within a period of three years.

The learned counsel for the petitioner prayed that the petitioner is ready to deposit the entire amount of loan in six equal installments alongwith the interest. Shri Arvind

Vashisth, learned counsel for the Bank submitted that since petitioner did not make repayment of loan in time, recovery citation was issued.

After hearing learned counsel for the parties and in view of the statement of learned counsel for the petitioner that the petitioner is ready to deposit entire amount of loan in six equal installments with interest, the petitioner is permitted to deposit entire amount of loan in six installments. The petitioner shall deposit first installment on or before 25th November 2009 and remaining installments shall be deposited on or before 25th of each month alongwith interest and recovery charges. Last installment shall be deposited on or before 25th April, 2010. In the meantime it is directed that no coercive measure shall be taken against the petitioner. In the event of default, this order shall stand vacated.

With these observations, the writ petition is disposed of.

VKG

(V.K. Bist, J.)
25.09.2009