

Court No. - 36

Case :- WRIT - C No. - 20847 of 2019

Petitioner :- Mithilesh

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

Counsel for Petitioner :- Vishnu Dutt Tiwari

Counsel for Respondent :- C.S.C., Krishna Mohan Asthana

Hon'ble Mrs. Sunita Agarwal, J.

Heard learned counsel for the petitioner, learned Standing counsel and Sri K.M.Asthana, learned counsel for the respondent Bank.

The petitioner had taken a loan and was unable to pay the installments on time. Consequently, recovery proceedings have been instituted to recover the balance amount.

There is no illegality in the recovery proceeding but the petitioner contends that she is willing to pay the entire amount in installments.

Learned Standing Counsel as well as counsel for the Bank are agreeable to the prayer made by the petitioner provided she repays the entire dues with interest regularly.

Considering the aforesaid facts, the writ petition is disposed of with the following directions:-

The recovery proceedings shall remain in abeyance provided;

(1) The petitioner pays the entire outstanding amount with upto date interest in six equal installments to be deposited before the bank authorities.

(2) The first installment shall be paid on or before 29th July, 2019.

(3) On deposit of the first installment, the respondent bank would furnish the complete statement of accounts showing all the deposits which have been made by the petitioner till date and the balance amount payable.

(4) Rest of the amount shall be deposited by the petitioner in five quarterly installments.

(5) Any amount already deposited shall be given adjustment.

(6) The petitioner shall make deposit of the last installment

along with upto date interest.

(7) In the event of default in any of the installments, it would be open to the respondents to recover the amount forthwith.

(8) As only the citation has yet been issued and the recovery has not been proceeded with, it is, therefore, directed that, in case, the petitioner makes deposit as per the schedule above, no recovery charges shall be realised from her.

Order Date :- 28.6.2019

Pratima