

(2024) 12 UK CK 0007

Uttarakhand High Court

Case No: Writ Petition (M/ S) No. 3140 Of 2024

Manish Thapliyal

APPELLANT

Vs

Uttarakhand Grameen Bank &
Another

RESPONDENT

Date of Decision: Dec. 4, 2024

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: Niranjana Bhatt, N.S. Pundir

Final Decision: Disposed Of

Judgement

Pankaj Purohit, J

1. The petitioner, who is a Lecturer with the Education Department of the State, has taken a house loan from the respondent Bank. Due to his

difficulties the loan could not have been paid, which resulted into filing of the Original Suit No. 02 of 2023, between the parties in the court of Senior

Civil Judge, Pauri Garhwal. The suit was decreed against the petitioner on 17.08.2023, and the amount of Rs.19,26,803/-, was decreed against the

petitioner.

2. Despite decree, the petitioner failed to deposit the aforesaid decretal amount. Resultantly, the respondent Bank has frozen the salary account of

the petitioner, and he was refused to operate the said account. Feeling aggrieved, the petitioner is before this Court for the following relief: -

â€œi. Issue a writ, order or direction in the nature of mandamus directing the Respondent's Bank to defreeze/ open the Petitioner's account no.

0000004232015072 in Uttarakhand Grameen Bank, Branch Srinagar, District Pauri Garhwal for the Petitioner to be able to do transactions from his salary Account.

ii. Issue a writ, order or direction in the nature of mandamus directing the Respondents to deduct the over dues amount of loan from Petitioner's salary account, and permit the Petitioner to continue transactions from his salary account no. 0000004232015072 in Uttarakhand Grameen Bank, Branch Srinagar, District Pauri Garhwal.

iii. Or pass any other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.â€

3. On the first instance, the petitioner showed his willingness to pay the entire amount along with the interest up to date to the Bank, but for that purpose, he needs certain time. The instructions were called from the respondent Bank, and the respondent Bank has offered a proposal before the Court that the petitioner shall deposit Rupees Five Lakh, immediately by 15th December, 2024, and the rest of the balance amount along with interest shall be deposited by the petitioner within next six months.

4. Today the matter is taken up, and after considering the submissions made by the learned counsels for the parties, this Court has come to the conclusion that since petitioner is a salaried person, and as contended by the learned counsel for the petitioner that it was not possible for the petitioner to deposit the rest of the amount within six months, which would be approximately Rupees Fifteen Lakh, the writ petition stands disposed of in the following terms: -

â€(1) On receipt of the certified copy of the order, the respondent bank shall permit the petitioner to operate the salary A/c No.

0000004232015072, and he will deposit Rupees Five Lakh immediately by 15th December, 2024.

(2) The rest of the decretal amount shall be deposited by the petitioner in three equal installments of six months each. However, last installment would carry the entire interest accrued thereon.

(3) If the petitioner fails to comply with any of the terms and conditions of the order, it will be open for the bank to proceed against the petitioner, in accordance with law.â€

5. Accordingly, the writ petition is disposed of.