

Allahabad High Court

Murlidhar Dwivedi S/O Radha ... vs Collector/D.M., Raibareli & Ors. on 17 June, 2010

Court No. - 3

Case :- MISC. SINGLE No. - 3652 of 2010

Petitioner :- Murlidhar Dwivedi S/O Radha Krishna Dwivedi

Respondent :- Collector/D.M., Raibareli & Ors.

Petitioner Counsel :- Ram Kripal Rastogi

Respondent Counsel :- C.S.C., Amit Jaiswal

Hon'ble Shri Narayan Shukla, J.

Heard Mr. Ram Kripal Rastogi, learned counsel for the petitioner and Mr. Amit Jaiswal, learned counsel for the opposite party No.2 as well as learned Standing counsel for opposite parties 1 and 4.

The petitioner is aggrieved with the recovery certificate, whereby an amount as due has been shown as Rs.2,71,064/-. The petitioner is ready to deposit the same but in installments.

Considering the facts and circumstances of the case, I hereby stay the recovery proceedings initiated against the petitioner, provided the petitioner deposits 1/4 of the aforesaid amount within a period of three months from today and rest of the amount shall be deposited in six quarterly instalments. The first instalment shall become due on 17th of December, 2010 and accordingly the petitioner shall continue to deposit the rest of the instalments with up to date interest with the Bank. After deposit of 1/4 of the amount as provided here-in-above, in case the petitioners' tractor has been attached in the recovery proceedings, the same shall be released forthwith. In case the petitioner has made certain payments, and the adjustment of which has not been made in the amount demanded, it will be open to the petitioner to give proof of the same to the Bank and if such a proof is given, the Bank shall adjust the said amount.

In case the petitioner commits any default in complying with any of the aforesaid conditions, the benefit of this order would not be available to the petitioner and it will be open to the opposite parties to realize the entire amount due in accordance with law.

With the above directions, the writ petition is disposed of finally.

Order Date :- 17.6.2010 Banswar