

Allahabad High Court

Smt. Sushila Devi Kaushal W/O ... vs State Of U.P. Thru Collector, ... on 6 January, 2010

Court No. - 27

Case :- MISC. BENCH No. - 29 of 2010

Petitioner :- Smt. Sushila Devi Kaushal W/O Govind Prasad Kaushal

Respondent :- State Of U.P. Thru Collector, Sultanpur & Anr.

Petitioner Counsel :- Subhash Kumar Verma

Respondent Counsel :- C.Sc..

Hon'ble Devi Prasad Singh,J.

Hon'ble S.C. Chaurasia,J.

Heard the learned counsel for the petitioner, Sri Vinay Shanker learned counsel for the respondent Bank as well as the learned standing counsel. On account of default of payment of housing loan, the impugned recovery proceedings have been initiated by the respondents. It has been stated by the petitioner's counsel that because of financial constraints and the children's illness, the petitioner could not pay the dues. However, the petitioner is ready to pay the entire dues in instalments.

Sri Vinay Shanker submits that in case the petitioner pays the entire dues at earliest the respondents will have no objection. He has also submitted that the petitioner has alternative remedy to prefer appeal. Keeping in view the fact that the petitioner is ready to pay entire dues, the averments made in the writ petition and the arguments of the petitioner's counsel, the petitioner is permitted to pay an amount of rupees two lakhs within one month from today and rest of the amount in two equal quarterly instalment the first of which shall fall due in May, 2010. The respondents shall also provide a copy of statement of account to the petitioner within two weeks. However, in case of default of payment of dues in terms of the orders passed by this Court, it shall be open to the respondents to proceed in accordance with law. Subject to above, the writ petition is finally disposed of. Order Date :- 6.1.2010 Rajneesh) A certified copy of this order be given to petitioner's counsel today on usual charges.

Order Date :- 6.1.2010 Rajneesh)