

Court No. - 8

Case :- WRIT - C No. - 11307 of 2023

Petitioner :- Smt. Vidyut Jain And Another

Respondent :- Debts Recovery Tribunal, Lko. And 2 Others

Counsel for Petitioner :- Shrikant Mishra, Suneet Kumar Sharma

Counsel for Respondent :- C.S.C., Praveen Dwivedi

Hon'ble Pankaj Bhatia, J.

1. Heard the counsel for the petitioners, learned AGA as well as the counsel for the respondent Bank.
2. The preset petition has been filed by the petitioner challenging the order dated 25.10.2023 passed by the Debts Recovery Tribunal, Lucknow whereby the application filed by the petitioner for recall of the judgment dated 26.09.2022 was rejected on the ground of unexplained latches.
3. The contention of the counsel for the respondents is that the order passed by the Tribunal is amenable to appeal under section 20 of the Recovery of Debts and Bankruptcy Act, 1993. It is argued that the appeal lies before the Appellate Tribunal against all the orders.
4. The counsel for the petitioner apprehends that the respondents may insist on per-deposit of 75% in terms of the mandate of Section 21 of the Act.
5. The said apprehension is ill founded in view of the law laid down in the case of ***Jai Gopal Kansal and another vs. Indian Bank and another; Writ C No.1634 of 2019 decided on 12.03.2019.***
6. Considering the law as explained in the case of ***Jai Gopal Kansal (supra)***, the apprehension expressed by the petitioner is ill founded, as such, the present petition is ***disposed off*** permitting the petitioner to avail the remedy of appeal under section 20 of the Act.
7. The petitioner would be at liberty to place the judgment of this Court in the case of ***Jai Gopal Kansal (supra)*** before the DRAT while pressing his appeal, which shall be considered in accordance with law.
8. As the petitioner has filed the present writ petition on 01.12.2023 before this Court, it is provided that the petitioner shall be extended the benefit of Section 14 of the Limitation Act, in case the appeal is filed within fifteen days from today.

Order Date :- 21.12.2023

VNP/-