

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.560 of 2015

In

Civil Writ Jurisdiction Case No. 18227 of 2008

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Raj Nair, daughter of Sri Krishanan Nair, resident of Road No.3, Rajendra Nagar, Police Station-Rajendra Nagar, Patna at present Principal St. Joseph School Rajendra Nagar, Patna.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar through Registrar, D.R.T. Patna.
2. Vijay Bank having its registered office at Bangaluru and one of its branch at Mahatma Gandhi Road, Secunderabad, Andhra Pradesh, through its Branch Manager.
3. The Debts Recovery Tribunal, Patna.
4. M/s Deccan Paints Ltd., No.1 Lal Bahadur Malhotra Marg, Trimalgherry, per its Director Sri K. Ravi Kumar.
5. Smt. A. Sashi Kumar w/o Late Sashi Kumar, occupation household, business, resident of 13, Vayapuri, Secunderbad.
6. Sri M Prabhakaran, son of K. Nedungadi, Director M/s Deccan Paints Ltd., resident of 9, Vasavi Colony, Secunderabad.
7. Sri K. Ajit Kumar, son of not known to the petitioner, Director of M/s Deccan Paints Ltd., R.O. 14, Vayapuri, Secunderabad.
8. M/s A. P. State Financial Corporation, per its Managing Director, P.B. No.165, 5.9.194, Chirag Ali Lane, Hyderabad.
9. Mrs. Sugandha Kumar, w/o Late K. Ravi Kumar, occupation; Household, r/o Flat No.3, Building No.5-A Brindavan Society, Near Kirti Stores, Thane West, Mumbai.

.... Respondents- Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Mishra, Advocate

For the Respondent/s : None

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 22-04-2015

Vijaya Bank – the 2nd respondent herein, filed O.A.

No.972 of 1997 before the Debts Recovery Tribunal, Bangalore, for recovery of the amount from the 4th respondent – M/s Deccan Paints Limited as well as its guarantors, including the appellant herein. O.A. No.972 of 1997 was, thereafter, transferred to the Debts Recovery Tribunal, Hyderabad, and numbered as O.A. No.1056 of 1999. Through its order dated 12.02.2007, the Debts Recovery Tribunal, Hyderabad, issued a certificate of recovery. Challenging the same, the appellant filed CWJC No.18227 of 2008. The learned Single Judge refused to entertain the writ petition mainly on the ground that the appellant has to avail the remedy of appeal before the concerned forum. 45 days time was given to avail the remedy. The appellant is not satisfied with the same, and filed this Letters Patent Appeal.

Heard Sri Sanjeev Kumar Mishra, learned counsel for the appellant.

The appellant does not dispute that the Recovery of Debts Due to Banks and Financial Institutions Act, 1993

provides for remedy of appeal under Section 20 thereof. Once the statutory remedy is available, the appellant cannot challenge the certificate or the order passed by the Tribunal before this Court.

We do not find any merit in the appeal. The appeal, is, accordingly, dismissed.

However, the time stipulated in the order in the writ petition, enabling the appellant to file the appeal is extended by three weeks from today.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Sudhir Singh, J)

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