

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 1882 OF 2015

Rachana Singh	}	Petitioner
versus		
The Board of Directors of	}	
State Bank of India and Ors.	}	Respondents

Mr. Mathew J. Nedumpara with Ms. Rohini Amin and Ms. Preeti S. Dambre for the Petitioner.

Mr. Pradeep S. Jetly with Mr. M. S. Bharadweaj for Respondent Nos. 28 to 33.

**CORAM :- S. C. DHARMADHIKARI &
G. S. KULKARNI, JJ.**

DATED :- JULY 6, 2015

P.C. :-

This Writ Petition was placed before us because Mr. Nedumpara pointed out to the Court that an application styled as an original application and filed by one Ms. Rachana Singh, the Petitioner before us, which was against the Board of Directors of State Bank of India, was not being taken on file and the Registry of the Debt Recovery Tribunal was refusing to process it and scrutinise so also mark it for compliance of certain objections. The procedure is cumbersome and the Junior of Mr. Nedumpara, who had filed the proceedings, had to face

several difficulties because of the approach of the Registry officials in the Tribunal. When this matter was mentioned before us, only in order to render substantial justice and not to inconvenience the litigants simply because an Advocate who may have been engaged by her/him is not appearing in that Court that we orally directed Mr. Bharadwaj, who was then appearing for the Union of India to take instructions and as to why the application was not being taken on file.

2) Now, it has been pointed out by Mr. Jetly and Mr. Bharadwaj that if the compliance of all the Registry remarks and as endorsed by the Tribunal is made, save and accept the point of maintainability of the proceedings and the jurisdiction of the Court, then, the application would be placed before the presiding officer. Mr. Jetly produces before us copies of Roznama and the office objections raised in the proceedings.

3) After hearing Mr. Nedumpara, we are of the opinion that the Writ Petition need not be entertained at this stage. Let the original application and after all compliances are made be listed before the presiding officer. The Petitioner is free to pray for such urgent interim/ad-interim reliefs and equally request the Tribunal to take up the application itself for hearing and final disposal.

4) Ordinarily, when an objection of the nature, namely, whether the Tribunal or a Court of limited jurisdiction is competent to entertain an application/proceeding is raised, the litigants ought to be given an opportunity to satisfy the presiding officer/Judge on such issues. It cannot be left to the Registry officials and they cannot rule on the competence of the Court. Equally, whether the proceedings or the action is maintainable in law is a matter which must be dealt with by the learned Judge or presiding officer on the Judicial side and the Registry officials should merely record the objection, but not go into it any further. Save and accept, such legal objections, if parties comply with other procedural matters and the proof of such compliance is before the Registry, then, it should place the application before the presiding officer, so that he can decide it in accordance with law.

5) Now that all aspects are taken care of and the substantial grievance of the Petitioner is redressed, the Writ Petition need not be kept pending. We clarify that we express no opinion on the arguments canvassed including on the jurisdiction and maintainability of the proceedings before the Tribunal. All such contentions of all parties are kept open.

6) Since the Petitioner's grievance of denial of justice or impediment and obstacles in access to justice has been taken care of with the above clarification, the Writ Petition is disposed of.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)