

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.R.No.7805 of 2015 (O&M)

Date of Decision: November 20, 2015

Rajinder Singh

...Petitioner

Versus

Chief Manager-cum-Authorize Officer, State Bank of Patiala, Patiala

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Saurabh Bajaj, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Learned counsel appearing on behalf of the petitioner submits that the application seeking condonation of delay of 80 days in filing the restoration application in SA No.350 of 2013, has been declined by the Registrar, which is reflected from the previous order (Annexure P-10). In support of his contention, he has relied upon the judgment of Karnataka High Court in **Paul D'Souza And Ors. Versus Canara Bank, Bangalore And Ors., 2002 (2) KarLJ 451** to contend that the Registrar has no power to deal with such application. Such power lies with the Presiding Officer only.

I have heard the learned counsel for the petitioner and appraised the paper book.

SA No.350 of 2013 was dismissed in default by the Presiding

Officer. The role of the Registrar is only to scrutinize the application and place it before the D.R.T. for passing an appropriate order. The Registrar has no judicial authority to dismiss the application for condonation of delay in the manner and mode as has been adopted. Even notice of this application was not issued to the bank seeking reply.

In my view, the order passed by the Registrar, Debts Recovery Tribunal-II, Chandigarh declining the application seeking condonation of delay in filing the application for restoration in SA No.350 of 2013 is not sustainable in the eyes of law and is hereby set-aside.

The revision petition is accordingly disposed of with a direction that application bearing No.MARR 4649 of 2014 shall be placed by the Registrar before the Presiding Officer, Debts Recovery Tribunal-II, Chandigarh for effectual adjudication of the same in accordance with law.

Revision petition stands allowed.

November 20, 2015
ramesh

(AMIT RAWAL)
JUDGE