

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CWP No.13419 of 2016

Decided on : 21.07.2016

Balwant Singh

... Petitioner

Versus

The Presiding Officer, Debts Recovery Tribunal Chandigarh-II and others

.. Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY KUMAR MITTAL
HON'BLE MR.JUSTICE RAMENDRA JAIN**

Present : Mr.Ish Puneet Singh, Advocate
for the petitioner.
Mr.Pankaj Gupta, Advocate for the respondent.

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

Ajay Kumar Mittal, J. (Oral)

1. Learned counsel for the petitioner *inter alia* submits that appeal bearing No.AP 06/14 filed by the present petitioner was dismissed in default on 21.04.2016. An application for restoration of the appeal and recalling of order dated 21.04.2006 was filed on the next day i.e. 22.04.2016. It was urged that in the aforesaid appeal, the Debts Recovery Tribunal had granted the interim protection directing the Recovery Officer not to pass further orders. It was argued that the said application for restoration of appeal and recall of order dated 21.04.2016 has been fixed for 23.08.2016 vide Annexure P/7. It is contended that in case the writ petition is not entertained, the appeal as well as the application for restoration of the appeal before the Debts Recovery Tribunal shall be rendered infructuous.

2. Notice of motion.
Notice re: stay also.
Process dasti only.

In the meantime, Recovery Officer shall not proceed with the

property in dispute.

3. Mr.Pankaj Gupta Advocate for respondent No.5-caveator who is present in the Court accepts notice on his behalf and states that respondent No.5 is the only contesting respondent and he has no objection for the final disposal of the writ petition by making the interim order absolute till the decision of the application for restoration.

4. Accordingly, in view of the above, the present writ petition is disposed of by making the interim order absolute and further with a direction to the Debts Recovery Tribunal to decide the application for restoration of the appeal expeditiously after hearing the concerned parties in accordance with law.

[Ajay Kumar Mittal]
Judge

[Ramendra Jain]
Judge

21.07.2016
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