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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 264/2016**

ANIL BHATIA & ANR

..... Petitioner

Represented by: Mr.Hament Choudhary,
Mr.Pradeep Kumar Kaushik,
Dr.Sunil Kumar, Advs.

versus

PUNJAB NATIONAL BANK

..... Respondent

Represented by:

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

13.01.2016

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CM 1055/2016

Exemption allowed subject to just exceptions.

W.P.(C) 264/2016 & CM 1054/2016 (stay)

1. Learned counsel for the writ petitioners submits that what was an unintentional error concerning the order dated August 25, 2015, copy whereof was filed before the Debt Recovery Appellate Tribunal, has been treated as a deliberate act by the Debt Recovery Appellate Tribunal and therefrom a motive has been imputed to the writ petitioner. So stating, counsel also concedes that in the writ petition this aspect of the matter has not been dealt with. That apart, counsel concedes that if this was so, the correct thing for the writ petitioners to do is to have moved an application before the Debt Recovery Appellate Tribunal brining forth such facts which

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writ petitioners would rely upon to bring home the point that incomplete order dated August 25, 2015 filed before the Debt Recovery Appellate Tribunal was a mistake and not a deliberate act.

2. Counsel seeks leave to withdraw the writ petition with right reserved to move an appropriate application before the Debt Recovery Appellate Tribunal.

3. Dismissing the writ petition and miscellaneous application as withdrawn, we simply observe that if the writ petitioners were to file an application before the Debt Recovery Appellate Tribunal concerning the incomplete order dated August 25, 2015 which was filed before the Debt Recovery Appellate Tribunal, the same shall be decided as per law.

4. Learned counsel for the writ petitioners informs that the respondent Bank would be taking possession of the mortgaged property today.

5. Copy of this order be supplied dasti to learned counsel for the writ petitioners. It is hoped and expected that the officers of the Punjab National Bank would take into account the order passed today while taking further actions.

6. No cost.

7. Dasti under the signature of the Court Master.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

JANUARY 13, 2016
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