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

+ W.P.(C) 2143/2016

RAJESH KUMAR PANDEY Petitioner

Represented by: Mr.Bankim K.Kulshreshtha,
Advocate

versus

UCO BANK & ORS Respondents

Represented by: Mr.I.S.Chauhan, Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **14.03.2016**

CM No.9195/2016

Allowed subject to just exceptions.

W.P.(C) No.2143/2016

1. Neither the conduct of the petitioner, nor law entitles him to the benefit of any discretion. The petitioner, carrying on business as sole proprietor of M/s Rajdhani Medical Company, had a current account with the first respondent bank which was opened on November 04, 1992. He connived with one Ram Kishan and Om Prakash, employees of the bank, to manipulate the account. He vanished within less than two years of the account being opened. On December 15, 1994 the bank filed an Original Application invoking remedy under Section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993. For over six long years the petitioner could not be traced and was ultimately served by publication.

The Original Application was ultimately allowed and when put into execution the petitioner sought setting aside of the ex-parte decree. Vide order dated July 02, 2015 the Debts Recovery Tribunal allowed the application but upon a condition that 25% of the sum due shall be deposited by the petitioner within 30 days. The petitioner did not do so. Appeal filed there against has been dismissed by the DRAT vide impugned order dated January 04, 2016.

2. The petitioner has not deposited 25% of the sum decreed and we find no reason to grant further time to the petitioner. His conduct is dishonest. The account was opened and thereafter was manipulated in connivance with bank officers. The petitioner simply vanished. We have repeatedly asked learned counsel for the petitioner as to whether he has any proof of ever going to the bank to find out the status of his account. Counsel says he has none. It is the duty of a debtor to find the creditor and repay the debt.
3. The writ petition is dismissed in limine.
4. No costs.

CM No.9194/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

MARCH 14, 2016
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