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

+ W.P.(C) 6511/2015

HDFC BANK LTD.

..... Petitioner

Represented by: Mr.Dharam Dev, Advocate

versus

VIJENDER JINDAL & ORS

..... Respondents

Represented by: Mr.Parvinder Singh, Advocate
for R-3

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **11.02.2016**

1. Writ petition challenges an order dated February 05, 2015 dismissing IA No.81/2015 in Inward No.606/2014 arising out of an order passed in OA No.19/2007 (Delhi-III). The writ petitioner was the appellant and had filed an appeal against an order passed by the Debts Recovery Appellate Tribunal-III in OA No.19/2007.
2. The appeal was filed belatedly after a delay of 1348 days.
3. An application was filed for delay to be condoned. The Debts Recovery Appellate Tribunal has dismissed the said application and since delay in filing the appeal has not been condoned, Regular Appeal was not registered and it remained as Inward No.606/2014.
4. In the writ petition except disclosing that the original transaction

W.P.(C) 6511/2015

page 1 of 2

between the debtor and the bank was with Lord Krishna Bank which was merged with Centurion Bank which was subsequently merged with HDFC Bank there is no other averment made in the writ petition. What were the dates of the merger? Nothing has been stated. What administrative steps were taken after the merger took place to take charge of the affairs of Lord Krishna Bank and thereafter Centurion Bank have not been pleaded. The writ petition simply gives us the history of the litigation and the counsel has forgotten that the real issue is whether delay in filing the appeal had to be condoned and for which the pleadings had to focus on the sufficiency of the facts which the writ petitioner would like to project before us for an opinion to be formed whether the view taken by the Debts Recovery Appellate Tribunal in not condoning the delay is unjustified.

5. Lest the writ petitioner suffers a dismissal on account of lack of pleadings learned counsel for the petitioner seeks leave to withdraw the writ petition with right reserved to file a fresh petition on the subject of delay not being condoned by the Debts Recovery Appellate Tribunal.

6. Liberty granted as prayed for.

7. The writ petition is dismissed as withdrawn.

8. No costs.

CM No.11856/2015

Dismissed as withdrawn.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 11, 2016

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W.P.(C) 6511/2015

page 2 of 2