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

+ W.P.(C) 156/2016

OM PRAKASH GROVER

..... Petitioner

Represented by: Mr.Pallav Saxena, Advocate
with Ms.Bindu Das, Advocate

versus

CANARA BANK & ORS

..... Respondents

Represented by: Mr.Navin Kumar, Advocate
with Mr.Suman Mandal for R-
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CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **05.04.2016**

1. Counter affidavit has not been filed by respondent No.1 in spite of two opportunity granted, and we understand the dilemma of learned counsel.
2. On complete identical facts, whereas a mortgagor Daya Kishan was absolved of his liability vide order dated September 13, 2013 passed by the Debts Recovery Tribunal, we find that without discussing the facts which were pleaded by the appellant and without discussing whether his claim that his case was identical to Daya Kishan, appeal filed before the Debts Recovery Appellate Tribunal, raising a grievance against the order of Debts Recovery Tribunal (grievance being as hereinbefore noted by us), has been disposed of by the learned Debts Recovery Appellate Tribunal.
3. This is no way to decide the appeal.
4. We also note that a secondary grievance of the petitioner concerning

quantification of interest has also not been addressed by the Debts Recovery Appellate Tribunal.

5. The petition is disposed of setting aside the impugned order dated October 07, 2015. The appeal filed by the petitioner registered as Inward No.516/2015 is restored before the Debts Recovery Appellate Tribunal for fresh adjudication with a direction that the same shall be decided without any condition of deposit and with a stay of the order passed by the Debts Recovery Tribunal holding petitioner liable to pay ₹10 lacs with interest to respondent No.1 bank. The issue of parity with Daya Kishan would be noted, discussed and decided.

6. No costs.

PRADEEP NANDRAJOG, J

MUKTA GUPTA, J

APRIL 05, 2016

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