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

+ **W.P.(C) 12126/2015 & CM APPL. 32223/2015**

% *Date of Judgment : 08.01.2016*

SHIV BHASKAR DRAVID AND ANR Petitioner
Through : Mr. J. P. Sengh, Sr. Adv. with
Mr. Jitender Verma, Advocate.

Versus

THE JAMMU & KASHMIR BANK LTD AND ORS..... Respondents
Through : Mr. V. K. Dhav, Advocate.

+ **W.P.(C) 12155/2015 & CM APPL. 32269/2015**

% *Date of Judgment : 08.01.2016*

JAI LAXMI DRAVID (SINCE DECEASED) THROUGH LRS
..... Petitioner
Through : Mr. J. P. Sengh, Sr. Adv. with
Mr. Jitender Verma, Advocate.

Versus

THE JAMMU & KASHMIR BANK LTD. & ANR..... Respondents
Through : Mr. V. K. Dhav, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

1. Challenge in these writ petitions is to the order dated 02.12.2015 by which an application seeking the recall of the order dated 16.11.2015 by which the appeals filed by the petitioners herein stand dismissed for non – prosecution.

2. Mr. J. P. Sengh, learned Senior Counsel appearing for the petitioners submits that one last opportunity be granted to the petitioner to address arguments before the Debts Recovery Appellate Tribunal. He further submits that the petitioners would not seek any adjournment and the matter be decided on merits as serious legal issues arise in this case. Mr. J. P. Sengh, learned Senior Counsel has also drawn the attention of the court to the observations of the learned Appellate Tribunal wherein it has been observed that even the bank has been delaying the matter.
3. Learned counsel appearing for the bank submits that a little less than Rs. 6 Crores are due and in case the petition is being allowed the petitioners should be put to terms and also only one opportunity of hearing should be granted.
4. In the order dated 02.12.2015, the learned Appellate Tribunal has detailed how this matter has been adjourned from time to time and an appeal of the year 2012 by which the order of status quo was granted stands delayed systematically either by change of counsel or the counsel expressing his inability to argue the matter as he was not prepared.
5. Having heard the learned counsel for the parties and taking into consideration the stand taken, to meet the ends of justice, we grant one opportunity to the petitioners to address arguments before the learned Appellate Tribunal, subject to payment of cost of Rs. 25,000/- each.
6. The order dated 02.12.2015 is set aside. The petitions and pending application are accordingly disposed of.

7. Parties to appear before the Appellate Tribunal on 4th February, 2016.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 08, 2016

SC