

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CA-CWP-15-2017 (O&M) in
CWP-COM-124-2017
Date of decision:- 25.05.2017

Varinder Singh

...Appellant

Versus

Debts Recovery Tribunal-III, Chandigarh and others.

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Shailendra Jain, Senior Advocate,
with Mr. Sahil Nayyar, Advocate,
for the appellant.

* * * *

S.J. VAZIFDAR, C.J. (ORAL)

This is an appeal against the order of the learned Single Judge dated 08.05.2017 dismissing the writ petition filed against the order of the Debts Recovery Tribunal (DRT)-III, Chandigarh.

2. The appellant claims to be a third party. There are three plots, namely, plot Nos. 420, 421 and 422. The appellant is the owner of only plot No. 420. The appellant's rights have not been affected by the order of the DRT. Nor has he been affected by the order of the learned Single Judge. As noted by the learned Single Judge, the DRT has merely ordered the segregation of the property in such a manner that the appellant can use his property independently.

3. Normally, in such a case, there would be no warrant for even entertaining the writ petition as the appellant has the effective alternate remedy of an appeal before the Debts

Recovery Appellate Tribunal. However, Mr. Jain, learned senior

counsel appearing on behalf of the appellant, states that the appellant desires to carry out the bifurcation himself to ensure that there is no damage to the property. For this limited purpose, the appellant can always approach the DRT itself. We make it clear that this order does not in any manner whatsoever affect the order of the DRT or the order of the learned Single Judge. It merely grants the appellant liberty to approach the DRT to carry out the order of the DRT by the appellant himself to ensure that there is no damage to his property. We express no opinion on the merits of the case otherwise.

4. The appeal is accordingly disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(ANUPINDER SINGH GREWAL)
JUDGE

25.05.2017
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No