

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.29819 of 2017 (O&M)

Date of Decision:- 22.12.2017

Saroj Verma

... Petitioner

Versus

Debt Recovery Appellate Tribunal and others

... Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill

Present:- Mr. Saurabh Bajaj, Advocate for the petitioner.

Rajesh Bindal, J.

The petitioner has approached this Court impugning the order dated 28.8.2017 passed by the Debt Recovery Appellate Tribunal (for short 'the Appellate Tribunal'), whereby the appeal filed against the order dated 20.4.2017 passed by the Debts Recovery Tribunal-II, Chandigarh in SA No.300/2017 (New No.) SA No.19/2010 (Id No.)-Smt. Saroj Verma Vs. PSB was dismissed.

In the case in hand, it has been noticed by the Appellate Tribunal in the impugned order that property was sold for recovery of the loan way back in the year 2010. Appeal filed by the petitioner was entertained as the Appellate Tribunal was satisfied with the pre-condition for entertaining of appeal. Even delay in filing the appeal was also condoned. However, when the prayer of the petitioner for interim stay regarding possession of the property was not granted, permission was sought to withdraw the appeal. Meaning thereby the petitioner was not

ready to agitate the matter any further, in case the interim stay was not granted. The Appellate Tribunal while rejecting that request, dismissed the appeal by imposing cost.

Learned counsel for the petitioner now seeks to address arguments on merits, claiming that property was wrongly sold, as the petitioner had deposited ₹ 4.85 lacs and subsequently ₹ 1,77,500/-, when the matter was pending before the Appellate Tribunal. Once the matter was not agitated on merits before the Appellate Tribunal, there is no question of availing further remedy by challenging the order before this Court.

The present petition is accordingly dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

22.12.2017
pankaj

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No