

Sr.No.231

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

**CWP-COM No. 29 of 2017
Date of decision:20.04.2017**

M/s J.K.Steels and others

.....Petitioners

versus

ICICI Bank Ltd. and another

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Aalok Jagga, Advocate
for the petitioner.

Mr. Sandeep Suri, Advocate
for the respondents.

Rakesh Kumar Jain, J.(Oral)

This petition is filed for seeking quashing of the order dated 26.09.2016 passed by the DRT-II Chandigarh by which application filed by the petitioner for condonation of 37 days delay in filing as well as 159 days in re-filing the SA NO. 1569 of 2015 has been dismissed.

Learned counsel for the respondents has submitted that in view of the order passed in *CWP NO. 22363 of 2016* titled as *M/s Jai Kishan Dass Vijay Kumar Aggarwal and others vs. ICICI Bank Ltd. and another* decided on 30.01.2017 in which also the issue was in regard to dismissal of the application of the said petitioner in refiling of the petition before DRT was dismissed, the present petition may be allowed and only delay in refiling may be condoned.

In view of the aforesaid, the present petition is allowed only to the extent that the delay in refiling of 159 days is hereby condoned and direction is issued to DRT-I, Chandigarh to entertain the application bearing S.A.NO.1569 of 2015 filed by the petitioner on merits as well as on the

application for delay and decide the application for condonation of delay in
filing and on merits in accordance with law.

20th April, 2017

Shivani Kaushik

[Rakesh Kumar Jain]
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No