In the High Court of Punjab and Haryana at Chandigarh.

CWP-COM-54 of 2017
Decided on 20.03.2017

Parminder Singh and others

--Petitioners

Vs.

Debt Recovery Tribunal-III, Chandigarh and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Ms.Palak Dev, Advocate,for the petitioners

Rakesh Kumar Jain,J: (Oral)

This petition is filed in order to challenge the order dated 07.03.2017 passed by the Debt Recovery Tribunal, Chandigarh by which an application filed by the petitioners seeking condonation of delay under Section 5 of the Limitation Act, 1961 has been declined.

There is no dispute that any order passed by the Debt Recovery Tribunal is amenable to appeal under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,2002 (for short,'the Act'). However, learned counsel for the petitioners has submitted that the appeal has not been filed because of the reason that appeal will not be entertained by the Debt Recovery Tribunal unless and until the petitioner complies with the proviso to Section 18 of the Act.

After hearing learned counsel for the petitioners and examining the record, I am of the considered opinion that once statutory remedy is available under the Act, extra ordinary jurisdiction of this Court cannot be invoked. The petitioners may, if so advised, file an appeal before the Debt Recovery Tribunal, but insofar as the present petition is concerned, it is not maintainable.

Dismissed.

20.03.2017 **(Rakesh Kumar Jain)**
rr **Judge**

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No.