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

+ W.P.(C) 4608/2017

M/S HANUNG TOYS & TEXTILES LTD. & ORS.Petitioners
Through: Ms. Pratiti Rungta, Advocate

versus

ICICI BANK LTD. Respondent
Through: Mr. Ateev Mathur, Mr. Amol Sharma,
Ms. Jagriti Ahuja, Mr. APS Sehgal,
Advocates

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
12.09.2017

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1. The petitioners are aggrieved by the order dated 09.05.2017, passed by the learned DRAT in Misc. Appeal No.216/2017 filed by them against the order dated 12.04.2017 passed by DRT-I, Delhi whereunder their application for seeking recall of an earlier order dated 02.02.2017 by which their right to file the written statement was closed, was allowed and permission was granted to them to file the written statement subject to their depositing a sum of Rs.10 Lakhs each, within ten days, which amount was directed to be adjusted towards the outstanding dues of the petitioners.

2. Learned counsel for the petitioners states that notice was issued by DRAT on the appeal filed by the petitioners on 09.05.2017 and the matter

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was adjourned to 26.07.2017 for completion of pleadings. In the meantime, it was made clear that the DRT-I will not stay its hands in the pending proceedings and would be at liberty to proceed further. She submits that the appeal is now listed before the learned DRAT on 14.09.2017, but the respondent bank has not filed their reply so far. The said submission is however disputed by learned counsel for the respondent No.1 who states that the reply to the appeal has already been filed and he shall furnish another copy thereof to the counsel for the petitioner during the course of the day.

3. Having regard to the fact that the scope of the appeal is very limited, learned counsel for the respondent states that he has no objection to arguing the appeal on the basis of the record, without referring to the reply filed by the Bank so that it can be disposed of expeditiously.

4. Accordingly, the present petition is disposed of with a request to the learned DRAT to decide the pending appeal filed by the petitioners against the order dated 12.04.2017, passed by DRT-I, Delhi. It is made clear that the parties shall not be accommodated for any adjournment before the DRAT so that an expeditious decision on the appeal can take place.

5. The DRT-I has fixed 18.09.2017 as the next date of hearing to await the outcome of the present petition. Learned counsel for the respondent/Bank submits that an application under Order XII Rule 6, CPC is also pending disposal before the DRT-I. Ms. Rungta, learned counsel for the petitioners states that she has received a copy of the said application. To expedite a hearing in the said application, we deem it appropriate to direct the petitioners to file their reply by 16.09.2017 so that the same is placed before the DRT-I on 18.09.2017. The respondent/Bank may file a rejoinder,

if necessary, so that the parties are ready with arguments on the said application on 18.09.2017.

6. Learned counsel for the petitioners states that till the application filed by the respondent/Bank under Order XII Rule 6 is decided, arguments in the main petition may be deferred. On this, learned counsel for the respondent states that in any case, though an affidavit by way of evidence has been filed by the bank, the documents filed along with the said affidavit have yet to be exhibited and, therefore, there should be no anxiety on that count.

7. The writ petition is disposed of. The interim order dated 24.05.2017 stands vacated.

HIMA KOHLI, J

DEEPA SHARMA, J

SEPTEMBER 12, 2017

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