

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.1343 of 2018.

Date of Decision: February 08, 2018

M/s R.H.Agro Overseas Pvt. Ltd. and anotherPetitioners

versus

State Bank of India and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Anand Chhibbar, Senior Advocate with
Mr.Vaibhav Sahni, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The instant writ petition has arisen out of two orders dated 16.10.2017 and 13.12.2017 passed by the Debts Recovery Appellate Tribunal, Delhi. Vide the first order, the application moved by the petitioners for waiver of pre-deposit as a condition precedent for entertaining their appeal against an interlocutory order passed by the Debts Recovery Tribunal, Chandigarh, was dismissed, whereas vide the subsequent order, appeal itself has been dismissed on the ground that the petitioners have failed to pre-deposit the requisite amount. The interim order passed by the Debts Recovery Tribunal, Chandigarh against which the petitioners had preferred the appeal, was passed rejecting their application for impleadment of respondent Nos.5, 6, 7 & 8 (in the instant writ petition) as party respondents in the petitioners' amended SA.

We have heard learned counsel for the petitioners at a considerable length.

Since the amended SA of the petitioners is pending

held by the Hon'ble Supreme Court in Mardia Chemicals Limited versus Union of India, 2004 (4) SCC 311; in Axis Bank versus SBS Organics Private Limited and another (SLP (C) No.13861 OF 2015, decided on 22.4.2016 and some other decisions, the petitioners would be at liberty to seek permission of the Tribunal to lead evidence in support of their claim raised in the amended SA as well as in the instant writ petition.

With liberty aforementioned, the writ petition stands disposed of.

[SURYA KANT]
JUDGE

February 08, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No