

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

**CWP No. 15206 of 2018
Decided on : 04.07.2018**

Mansoor Quadri and others

... Petitioner(s)

Versus

Central Bank of India and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

PRESENT: Mr. Shiv Kumar, Advocate
for the petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have approached this Court under Articles 226/227 of the constitution of India, seeking quashing of the order dated 28th May, 2018 (appended as Annexure P-5), passed by the Debts Recovery Tribunal, Chandigarh Bench, Chandigarh. A further prayer for quashing of the possession notice dated 01.03.2018 (Annexure P-2) has also been made.

2. It was not disputed by the learned counsel for the petitioners that the order impugned herein i.e. Annexure P-5 is appealable under Section 18 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act'), before the Debts Recovery Appellate Tribunal (in short 'DRAT').

3. Accordingly, learned counsel for the petitioners states that he may be allowed to withdraw the present writ petition with liberty to the petitioners to avail the aforesaid alternative remedy of appeal by approaching the DRAT. However, a prayer was also made that a week's time be granted to the petitioners to file an appeal before the DRAT, so that the appeal may not be dismissed on account of

limitation.

4. Dismissed as withdrawn with liberty as prayed for. It is, however, clarified that in case such an appeal under Section 18 of the Act, is filed by the petitioners before the DRAT within a period of 07 days from the date of receipt of certified copy of this order, the same shall not be dismissed on account of limitation.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

July 04, 2018

J.Ram

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