

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

CWP No. 21777 of 2018

Decided on 30.08.2018

Davinder Singh and another

Petitioners

Versus

Debts Recovery Tribunal-I, Chandigarh and others

Respondents

* * *

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

Present : Mr. Brijesh Nandan, Advocate
for the petitioners.

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AVNEESH JHINGAN, J.

The present writ petition has been filed seeking quashing of order dated 04.05.2018 (Annexure P-4) passed by Debts Recovery Tribunal-I, Chandigarh (for short 'the DRT') striking down the right to file written statement.

2. The petitioners in the writ petition are the sons of late Sh. Baldev Singh. The DRT; State Bank of Patiala, Fatehgarh Sahib and the guarantor namely Zora Singh s/o late Sh. Baldev Singh have been arrayed as respondents No.1 to 3 respectively in the writ petition.

3. Baldev Singh, father of the petitioners, in the year 2013, availed an agricultural term loan and agricultural cash credit limit of ₹10 lakhs each from respondent No.2. There was default in repayment. Both the accounts were classified as Non-Performing Assets (NPAs) on 07.04.2016. The respondent-bank filed Original Application (OA) on 29.03.2017 before the DRT. In pursuance of the notice issued by the DRT, the petitioners put in appearance on 23.01.2018, through their counsel. The case was adjourned to 04.05.2018 and the petitioners (respondents before DRT) were directed to file their written statement.

4. On 04.05.2018, the DRT recorded that none appeared for defendants No.1 and 2 (petitioners), the right to file written statement was closed and the matter was adjourned to 10.09.2018.

5. Learned counsel for the petitioners stated that the DRT erred in passing the order dated 04.05.2018 (Annexure P-4) as the petitioners had already filed their written statement on 01.05.2018.

6. For the view we are taking, it is not necessary to issue notice of motion as it would delay the entire matter.

7. The writ petition is disposed of with a direction that the written statement shall be taken on record which as submitted by the petitioners has already been filed before 04.05.2018. In case, the written statement has not been filed, one opportunity is provided to the petitioners to file the written statement before the next date fixed i.e. 10.09.2018 subject to petitioners' depositing ₹10,000/- in Kerala Chief Minister's Distress Relief Fund. The petitioners would produce the receipt of deposit of the costs before the DRT and the written statement shall be taken on record.

8. The order dated 04.05.2018 (Annexure P-4) passed by the DRT is modified accordingly.

9. It is clarified that in case the respondents in the writ petition have any grievance against the order passed, they would be at liberty to revive the writ petition.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

30.08.2018
pankaj baweja