

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

CWP No.26580 of 2018
DATE OF DECISION:27.11.2018

Swaran Salaria & others

...Petitioners

Vs.

Punjab National Bank & others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Aditya Jain, Advocate
for the petitioners.

Ms. Manisha Gandhi, Senior Advocate with
Mr. D. K. Gupta, Advocate
for respondents No.1 to 3.

Mr. Anand Chhibber, Senior Advocate with
Mr. Bhupinder Ghai, Advocate
for respondents No.5 to 12.

MAHESH GROVER, J. (Oral)

It is not disputed before us that the impugned order dated 09.08.2017 Annexure P-2 in which the petitioner has been proceeded against exparte is appealable before the DRAT under Section 20. The apprehension expressed by the petitioners in approaching the said Forum is that proceedings would consume time and in the meantime, the Debts Recovery Tribunal, Chandigarh-1 may conclude the proceedings resulting in a decree against the petitioners.

On due consideration, we are of the opinion that the

petitioners ought to have filed an appeal as concededly this alternative remedy is available to them. We also find that the apprehension is not totally unfounded. Considering that if the appeal preferred by them is not decided expeditiously, the DRT may in its wisdom conclude the proceedings to result in the decree adverse to the petitioners implying that the petitioners would have an adverse order against them without having been heard. Whether there was sufficient reasons that prevented them from appearing before the DRT, would be an issue to be seen by the Appellate Tribunal while considering the appeal that may be preferred before it.

Therefore, taking into consideration the matter in its entirety, we are of the opinion that it would be in the fitness of things if the petitioner is permitted to file an appeal before the DRAT within a period of one week from today whereafter the same shall be decided within a period of six weeks. Till the time the DRAT decides the matter. Debt Recovery Tribunal shall not pass the final decree. However, proceedings may continue. If any auction proceedings have been set into motion qua any of the properties that may also go on but the same may not be finalized till the time the appeal is decided by DRAT.

Disposed of.

(MAHESH GROVER)
JUDGE

(LALIT BATRA)
JUDGE

27.11.2018

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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No