

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

CWP-33412-2018

Decided on: 18.12.2018

Meenu Chopra

.... Petitioner

Versus

Canara Bank

.... Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J (ORAL)

The petitioner has impugned order dated 16.11.2018 (Annexure P-5) passed by the Debts Recovery Tribunal, Chandigarh declining to set aside ex-parte proceedings which had been commenced against the petitioner vide order dated 05.06.2018.

2. It could not be disputed that order Annexure P-5 is appealable under Section 20 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993 (in short the Act')

3. Section 20 of the Act reads thus:

“20. Appeal to the Appellate Tribunal.—(1) Save as provided in sub-section (2), any person aggrieved by an order made, or deemed to have been made, by a Tribunal under this Act, may prefer an appeal to an Appellate Tribunal having jurisdiction in the matter.

(2) No appeal shall lie to the Appellate Tribunal from an order made by a Tribunal with the consent of the parties.

(3) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date on which a copy of the order made, or deemed to have been made, by the Tribunal is received by him

and it shall be in such form and be accompanied by such fee as may be prescribed:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

(4) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.

(5) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the concerned Tribunal.

(6) The appeal filed before the Appellate Tribunal under sub-section (1) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within six months from the date of receipt of the appeal.”

3. In view of the above, we do not find any ground to interfere in the writ petition. However, it shall be open to the petitioner to take recourse to the remedies as may be, available to her, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

18.12.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No