

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

CWP No. 17649 of 2019

Date of Decision: 23.07.2019

ASHOK KUMAR CHABBRA AND ANOTHER *Petitioners*

V/s.

STATE BANK OF INDIA AND OTHERS *Respondents*

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI.

Present: Mr. Sandeep Arora, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (Oral)

This petition is filed for seeking a writ in the nature of *certiorari* for quashing the order dated 18.03.2019 passed by the Debts Recovery Appellate Tribunal, Delhi (hereinafter referred to as “the DRAT”) by which appeal filed by the petitioners was not entertained on account of non depositing of 50% of the amount determined by the Debts Recovery Tribunal-II, Chandigarh (hereinafter referred to as “the DRT”).

Learned counsel for the petitioners has submitted that the petitioners came into picture when they purchased the mortgaged property in the year 2002 though they are neither the borrowers nor guarantors. It is submitted that they were arrayed as parties in OA No. 158/2008 filed by the respondent-Bank which has been decreed on 22.05.2018 and in order to save the mortgaged property, they approached the DRAT by way of an appeal but without depositing 50% of the amount mentioned in the order passed by the DRT. It is submitted that in the peculiar facts and circumstances, the petitioners are not liable to pay any amount to the respondent-Bank as they are neither borrowers nor guarantors, therefore, the condition of pre-deposit

of 50% of the amount of debt is onerous and it is submitted that a direction may be issued to the DRAT to reduce the pre-deposit of 50% of the amount of debt to 25% for which it has the jurisdiction.

After hearing learned counsel for the petitioners and keeping in view the facts and circumstances as narrated hereinabove, the present petition is hereby disposed of with a direction that in case any such application is filed before the DRAT for reducing the pre-deposit of 50% of the amount of debt to 25% for which it has the jurisdiction, the same shall be considered sympathetically.

[RAKESH KUMAR JAIN]
JUDGE

July 23, 2019
Ess Kay

[ARUN KUMAR TYAGI]
JUDGE

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