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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 774/2019 & C.M. No. 3442/2019**

SUSHIL TANWAR

..... Petitioner

Through: Mr. Vardhman Kaushik, Mr. Karn
Deo Baghel, Ms. Sangrito Ray
Chaudhary, Advocates

versus

PUNJAB NATIONAL BANK AND ORS.

..... Respondents

Through: Mr. Rajesh Katyal & Mr. S.S. Katyal,
Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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25.01.2019

Issue notice.

Counsel for respondent No. 1 / Bank accepts notice. Respondent Nos. 2 to 4 are proforma respondents.

The petitioner has preferred the present petition belatedly to assail the order dated 30th August, 2017 passed by the Debt Recovery Appellate Tribunal (DRAT), Delhi in IA No. 166/2015 in Appeal No. 124/2017 arising out of OA 154/2010 (Delhi)-I. The DRAT has dismissed the petitioner's appeal on account of non-deposit of 75% of the amount in question as a pre-deposit for entertainment of the appeal.

Learned counsel for the petitioner submits that the filing of the writ petition was delayed on account of repeated setbacks suffered by the petitioner on account of his mother suffering a heart attack, his own

suffering from Tuberculosis and also on account of demise of his brother-in-law.

We have heard the learned counsels. We dispose of the present petition by granting one opportunity to the petitioner to make deposit of 50% of the amount in question before the DRAT within the next four weeks. If the said deposit is made, the DRAT shall restore the appeal and hear the same on merits. However, in case the said deposit is not made, without any further orders, the present petition shall stand dismissed and the opportunity granted to the petitioner shall stand withdrawn.

The recovery proceedings against the petitioner shall remain stayed for the period of four weeks from today. However, the petitioner shall not create any encumbrances on any of his assets during this period.

VIPIN SANGHI, J

A. K. CHAWLA, J

JANUARY 25, 2019
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