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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7278/2019, CM No.30274/2019 (Stay)**

MRS. RANJANA RAI AND ANR.

..... Petitioner

Through: Ms. Archana Sharma, Advocate

versus

**LOK ADALAT OF DEBT RECOVERY TRIBUNAL THE
REGISTRAR AND ANR.**

..... Respondent

Through: Mr. Arun Kumar Shukla, Mr. Rishabh
Yadav, Advocate for respondent
NO.1 – P&S Bank.

CORAM:

**JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH**

ORDER
19.11.2019

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1. This is a challenge to an Award dated 8th December, 2018 passed by the Lok Adalat of the Debt Recovery Tribunal.
2. The Court has perused the one page Award, in terms of which it has been agreed that a sum of Rs.26 lakhs in 12 monthly instalments would be paid to the Respondent No. 2/Punjab & Sind Bank starting from January 2019, and that the last instalment of Rs.4 lakhs would be paid in December, 2019.
3. The fact of the matter is that a loan was availed from the Bank jointly by Petitioner Nos.1 and 2. The property that has been mortgaged is in the name of Petitioner No.1. It is seen from page No.188 that there is no signature of Petitioner No.1 anywhere on the Award passed in the Lok Adalat.

4. The plea of the Respondent No. 2/Bank that all steps throughout were being taken only by Petitioner No. 2 does not offer a satisfactory explanation for the absence of the participation of Petitioner No.1 in the proceedings before the Lok Adalat. If the documents had been perused, it would have been apparent that the loan had been jointly availed by Petitioner Nos.1 and 2 and the property mortgaged belonged to Petitioner No.1.

5. In that view of the matter, the Court has no hesitation in setting aside the Award dated 8th December, 2018 arrived at before the Respondent No.1. As a result, the proceedings which were pending before the Debt Recovery Tribunal as on the date of Award will stand revived.

6. The matter be placed on 16th December, 2019 before the DRT with all applications, that were filed in the matter as on the date of the Award.

7. It is open to the Petitioner to file an appropriate application before the DRT for providing copies of the documents, if any, that form part of the record of the case before it.

8. The petition is disposed of in the aforesaid terms. The pending application is also disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 19, 2019

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