

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

**CIVIL REVISION No.7293 of 2019 (O&M)
DATE OF DECISION : 13th JANUARY, 2020**

**M/s. Ganauli Onion Storage, Ganauli, Garhi Kotaha, District
Panchkula & others**

.... Petitioners

Versus

Debts Recovery Tribunal-II, Chandigarh & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Aalok Jagga, Advocate for the petitioners.

Ms. Geeta Sharma, Advocate
for respondent No.2-PNB.

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RAJBIR SEHRAWAT, J. (Oral)

This revision petition under Article 227 of the Constitution of India has been filed by the petitioners praying for setting aside order dated 21.08.2018 (Annexure P-3) and order dated 23.09.2019 (Annexure P-12), passed by respondent No.1, vide which the respondents/defendants have been proceeded *ex-parte* and subsequently the application filed for setting aside *ex-parte* order, has been dismissed.

It has been pointed out by the counsel for the petitioners that although the petitioners were proceeded *ex-parte* in the proceedings before the Debt Recovery Tribunal-II, Chandigarh, (in short, the Tribunal). However, during the prescribed time of thirty days itself, the petitioners had filed application for setting aside the *ex-parte* proceedings. It is further submitted that the petitioners have already prepared their written statement and the same has been attached with the present petition as Annexure P-13. The same written statement shall be filed before the Tribunal and the petitioner would argue the case on the

date next fixed before the Tribunal, i.e., 07.02.2020, without seeking any further adjournment. However, the petitioners should be granted an opportunity to place on record the written statement so that the assertions of the petitioners are duly brought on record so as to facilitate them to argue the case. It is further submitted that; otherwise; the Tribunal has already permitted the petitioners to argue the case. However, unless the written statement is there on record, the arguments can be deficient. Hence, to provide a proper opportunity of hearing, the written statement filed by the petitioners deserves to be taken on record.

On the other hand, counsel appearing for respondent No.2-Bank submits that if the petitioners undertake to argue the case on 07.02.2020; the date fixed before the Tribunal, then, in all fairness; respondent No.2 do not have any objection to the said written statement being filed by the petitioners and being taken on record.

In view of the above, the present petition is disposed of with liberty to the petitioners to file written statement, which is attached with the present petition, before the Tribunal, within a period of one week. Thereafter the respondent No.2 may file rejoinder/replication, if any, within next one week. Accordingly, the Tribunal shall proceed to decide the case on the date already fixed before it.

However, it is clarified that except filing the written statement mentioned above, the petitioners shall not be granted any other opportunity to bring on record any documents; nor shall the petitioners be permitted any further adjournment on any ground, whatsoever.

13th JANUARY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>