

\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 3277/2020
RAJENDER SINGH

.....Petitioner

Through: Mr. M.C. Sharma, Advocate

versus

THE STATE (NCT OF DELHI) AND ORS.Respondents

Through: Mr. T.S. Nanda, Advocate for
R-1/GNCTD.

Ms. Gurmeet Bindra, Advocate for R-2/HDFC
Bank.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

%

29.05.2020

HEARD THROUGH VIDEO CONFERENCING.

C.M. No.11496/2020 (Exemption) and W.P. (C) 3277/2020

1. The present petition has been filed by the petitioner praying *inter alia* for setting aside an order dated 01.5.2019, passed by the Presiding Officer –I, DRT-III in O.A. 642/2018 filed by State Bank of India against one Joginder Kumar and M/s Manju Homes India Ltd.

2. We find that the petitioner has neither impleaded SBI or the private respondents as parties in the present proceedings. Instead, the present petition has been filed against GNCTD as respondent No.1 and HDFC Bank as respondent No.2. Further, a perusal of the paper book reveals that the petitioner is in fact aggrieved by the order dated 20.1.2020, passed by the Recovery Officer in **R.C. No. 404/2019** entitled HDFC Bank vs. Rajendra Singh whereunder, his bank accounts have been attached.

3. At this stage, Ms. Gurmeet Bindra, learned counsel for the respondent No.2/HDFC Bank clarifies that when the petitioner had applied for a certified copy of the order passed by DRT-III in **O.A. No. 642/2018** entitled HDFC Bank vs. Rajendra Singh, the Registry of the DRT had provided him a copy of the order dated 01.5.2019, passed in O.A. No. 53/2018. She states that if the petitioner had a grievance about an incorrect copy of an order being supplied to him, he could have downloaded the correct order from the website of the DRT or could have pointed out the error to the Registry of the DRT. Instead of doing that, he has filed the present misconceived petition.

4. Learned counsel for the respondent No.2/Bank states that the petitioner did not participate in the proceedings of O.A. No. 642/2018, filed by the HDFC Bank against the petitioner before the DRT and he was finally proceeded against *ex-parte*. The *ex-parte* judgment was pronounced by DRT-III, Delhi on 01.5.2019 but the petitioner has not taken any steps so far to challenge the said judgment. In the meantime, based on the said *ex-parte* judgment, the respondent No.2/Bank has filed recovery proceedings before the DRT and the order dated 20.1.2020 has been passed by the Recovery Officer on the said application. Pertinently, the petitioner had appeared before the Recovery officer on the said date.

5. We are of the opinion that the present petition is absolutely misconceived and the same is accordingly dismissed along with the pending application. It is for the petitioner to seek his remedy before the appropriate appellate forum vested with jurisdiction in this regard.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

MAY 29, 2020/ap/rkb