

206(PROCEEDINGS THROUGH V.C.)

Date of decision: 15.02.2021

...PETITIONER

V/S

..RESPONDENTS

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned counsel for respondents No.1 and 2 – Bank informs the Court that the petitioner has already filed a petition before DRT-II, Chandigarh, which is still pending and in the

meanwhile, petitioners have again approached this Court with the present writ petition. He, therefore, asserts that the writ petition deserves to be dismissed as the matter is already pending before the DRT-II, Chandigarh.

Hearing of the case is deferred to **15.02.2021** for arguments on these aspects.

Reply to the writ petition, if any, be filed by the respondents within a period of four weeks with an advance copy to the learned counsel for the petitioners. Replication, if any, be filed one week prior to the next date of hearing.”

Learned senior counsel for the petitioner, with reference to para-35 of the writ petition, has projected that the petitioner, after passing of the order dated 24.07.2020 in CWP No. 10592 of 2020 preferred by the petitioner, had to rush to this Court again because of the non-entertainment/fixing of the petition/appeal despite of the filing of the same by the petitioner with the DRT through e-portal. He asserts that the said petition/appeal has not yet come for hearing.

Learned counsel for respondents No. 1 and 2-Bank has pointed out that the requisite Court fee has not been deposited by the petitioner which is one of the reasons for non-listing of the petition/appeal of the petitioner. He asserts that ₹205/- has been deposited (Annexure P-12) whereas the said amount is around ₹1 lac.

Learned senior counsel for the petitioner could not contradict the said assertion of the learned counsel for respondents No. 1 and 2-Bank.

We are of the considered view that the petitioner is not interested in pursuing the matter before the DRT and on one pretext or the

other, is delaying the process of recovery of the amount due to the Bank.

In the light of the order dated 23.12.2020 passed by this Court, referred to above as also the order dated 24.07.2020 passed by this Court in CWP No. 10592 of 2020, we are not inclined to further continue with the present writ petition and dismiss the same with liberty to the petitioner to pursue its petition/appeal which it has filed before the DRT through e-portal.

CM-11457 & 12571-CWP-2020

In the light of the dismissal of the main writ petition, these applications have been rendered infructuous and the same are disposed of as such.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(MEENAKSHI I. MEHTA)
JUDGE**

February 15, 2021

pj

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No