

48 01.7.2022
Sc Ct. no.38

C.O. 26 OF 2022

Ganesh Chandra Biswas & Anr.

Vs.

Punjab and Sind Bank & Ors.

Mr. Sourav Sen
Ms. Adriswata Chakraborty.

....For the Petitioners

Ms. Tutul Das Singh
Ms, Pooja Sett
Mr. Ranjit Singh.

....For the Opposite Party/
Bank

This is an application under Article 227 of the Constitution of India. It is a case of the petitioners that they purchased a property already mortgaged to the bank and the bank subsequently sold the property in auction.

Petitioners being aggrieved moved the Debts Recovery Tribunal (for short 'the DRT') claiming the consideration money of the property which is purchased without having any knowledge of mortgage.

The instant application was filed with a prayer for staying all the proceedings pending before the DRT.

Learned advocate appearing on behalf of the opposite parties submits that the dispute is pending before the DRT on the application filed at the behest of the petitioners. So, this Court has nothing to do with it.

In course of hearing learned advocate on behalf of the petitioners submits that due to Covid situation the

DRT was not functioning and therefore, the petitioners filed the instant application under Article 227 of the Constitution.

The dispute averred in the application is entirely within jurisdiction of DRT and appellate forum thereof.

In the aforesaid view of the matter, I do not find any reason to exercise the power under Article 227 of the Constitution.

Thus, being the position, the revisional application being C.O. 26 of 2022 stands disposed of.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Bibhas Ranjan De, J.)