

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

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CWP-18110 of 2021 (O&M)

Date of decision: 24.02.2022

Taranjit Singh

...Petitioner

Versus

Debts Recovery Appellate Tribunal, Delhi and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MR.JUSTICE H.S. MADAAN**

(Through Video Conferencing)

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

Mr. S.S. Pathania, Advocate for respondent No.2.

M.S. RAMACHANDRA RAO, J. (Oral)

In this Writ Petition, petitioner challenges order dt. 15.01.2021 passed by the Debts Recovery Appellate Tribunal, New Delhi. In the said order, while dealing with the release of the pre-deposit amount made while the appeal was filed, the said Appellate Tribunal directed half of the said amount to be paid to the Writ Petitioner, and the other half to his brother late Sh. Daljit Singh.

Counsel for the petitioner contends that the said amount was deposited only by the petitioner, and not by his deceased brother, and the Appellate Tribunal has erred in directing refund of half of the pre-deposit amount to his brother/his legal representatives.

Notice of motion has been ordered in this Writ Petition on 14.09.2021, and notices have been served on respondents No.3 to 5, who

are the legal representatives of the deceased brother of the Writ Petitioner, but they have not engaged any counsel in this matter, and not filed any objection to the plea of the petitioner.

Sh. S.S. Pathania, counsel for respondent No.2-Bank states that respondent No.2 is not concerned with inter se the dispute between the petitioner and respondents No.3 to 5.

Since the claim of the petitioner is that he alone has deposited the amount required for filing the said appeal as a pre-deposit, and since the said fact is not disputed by respondents No.3 to 5, the order dt. 15.01.2021 in Misc. Application No.1/2020 in Appeal No.276 of 2017 passed by Debts Recovery Appellate Tribunal, New Delhi is set aside; the said order is modified; and the petitioner alone is held entitled to the pre-deposit amount, and not his brother late Daljit Singh or his legal representatives.

The Writ Petition is allowed as above.

No costs.

(M.S. RAMACHANDRA RAO)
JUDGE

(H.S. MADAAN)
JUDGE

24.02.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No