

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9659 of 2023

Arjun Kumar Son of Sri Kishori Prasad, Resident of -Harnichak, P.S.-Beur,
Distirct-Patna.

... .. Petitioner/s

Versus

1. The Union of India through Home Secretary, Govt. of India, New Delhi.
2. Secretary, Finance Department, Govt. of India, New Delhi.
3. The State of Bihar through Principal Secretary, Cabinet Secretariat (Rajbhasha), Bihar, Patna.
4. Director, Rajbhasha Vibhag, Bihar, Patna.
5. President, Debt Recovery Tribunal, Bihar, Patna.
6. Registrar, Debt Recovery Tribunal, Bihar, Patna.
7. Branch Manager, Union Bank of India (Corporation Bank), Kankarbagh Branch, Patna-800026.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Indradeo Prasad, Adv.
For the State	:	Mr. Prashant Pratap, GP-2
For the Resp. Bank	:	Mr. Shivendra Kr. Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 02-11-2023 Assailing the order dated 03.05.2023 passed in I.A. No. 389 of 2021, the present writ petition has been filed. The Debt Recovery Tribunal, Patna vide order dated 03.05.2023 has dismissed the I.A. filed by the petitioner wherein the petitioner has sought translated copy of the O.A. filed by the respondent Bank. The tribunal was of the opinion that the petitioner cannot seek the translated copy of the O.A. which was filed in English and dismissed the said I.A. The tribunal was of the view that the petitioner has filed the I.A. seeking translated copy of the O.A. as a dilatory tactic only to avoid the filing of the written



statement within the stipulated time. Learned counsel for the petitioner has stated that the petitioner is an illiterate person and is not well conversant with English language and, therefore, has sought the translated copy of the O.A. in Hindi. That the petitioner was ready to pay the necessary charges for providing the translated copy but the Tribunal without adverting to the said fact has dismissed the I.A. Learned counsel has also relied on Rule 137 of the Civil Rules of Practice to buttress his contentions.

Per contra, the learned counsel appearing on behalf of the respondent bank has stated that the petitioner has appeared through his counsel on 10.03.2021 and sought time for filing written statement. Thereafter the matter was adjourned from time to time i.e. 26.04.2021, 13.07.2021, 17.08.2021 for filing written statement. That even on 17.08.2021, the petitioner did not file the written statement and the tribunal has forfeited the right of the petitioner to file his written statement. Further, it is stated by the counsel that the main O.A. was itself disposed of on 25.08.2023 and, therefore, nothing survives in the present writ petition to be adjudicated upon.

In order to appreciate the issue involved in the present writ petition, it is necessary to extract **Rule 3** of the **DEBTS**



RECOVERY TRIBUNAL (PROCEDURE) RULES, 1993, which reads
as under:

(1) The proceedings of the Tribunal shall be conducted in English or Hindi.

(2) No reference, application, representation, documents or other matter contained in any language other than English or Hindi shall be accepted by the Tribunal unless the same is accompanied by the true translation thereof in English or Hindi.

A reading of the above Rule clearly envisages that the proceedings can be conducted either in English or Hindi and there is no need to file the translated copy of the application made by the petitioner to the other side. Moreover, as rightly pointed out by the counsel for the respondent bank, the original O.A. itself has been disposed of, therefore, the prayer in the present writ petition has become infructuous. As rightly pointed out by the Tribunal the petitioner instead of filing the written statement within the prescribed period has come up with the present I.A. only to buy time. Nothing prevented the petitioner from getting the O.A. translated and filing the written statement within the prescribed time. When there is no legal obligation for



serving a translated copy of the O.A. as per rules in vogue, the petitioner cannot insist for filing a translated copy. The reliance on Rule 137 of Civil Rules of Practice is also misplaced as these are separate rules for Debt Recovery Tribunals. The Court does not find any reason to interfere with the orders of the Tribunal and the same is dismissed accordingly.

(A. Abhishek Reddy , J)

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