

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.12947-2023

Date of Decision:02.06.2023

RPS Infrastrucutre Ltd.

..... Petitioner

Versus

Debt Recovery Tribunal-II, Chandigarh
through its Presiding Officer and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikas Lochab, Advocate for the petitioner

HARPREET SINGH BRAR, J.

1. Petitioner has approached this Court for issuance of a writ in the nature of Certiorari for setting aside the order dated 01.07.2022 (Annexure P-12) passed by respondent No.1-Debts Recovery Tribunal-II, Chandigarh, vide which the written statement of the petitioner i.e. defendant No.2 (in the O.A.), was not taken on record. Petitioner further prays for directing respondent No.1 to take the written statement dated 25.06.2019 on record which was already filed before the Registry of respondent No.1 vide diary No. 8420 dated 25.06.2019.

2. Respondent No.2 has filed OA No. 667 of 2018 before the respondent No.1 in which the petitioner is one of the respondents. Petitioner was directed to file his written statement on 22.04.2019 whereas the written statement was filed on 25.06.2019. The learned Tribunal, vide order dated 01.07.2022 (Annexure P-12), has refused to take on record the written

statement filed by the petitioner.

3. Having heard learned counsel for the petitioner and perusing the impugned order (Annexure P-12) whereby respondent No.1 has closed the right of the petitioner to file written statement and adjourned the case for 02.07.2025 for arguments, we are *prima facie* convinced that the impugned order is not sustainable in the eyes of law as it violates the principles of natural justice. No party to any proceedings pending before respondent No.1 should be precluded from pleading his defence at the threshold.

4. Keeping in view the limited prayer made by the petitioner in this petition, the respondent No.1 is directed to take the written statement of the petitioner dated 25.06.2019 on record which was filed before the Registry of respondent No.1 vide diary No. 8420 dated 25.06.2019.

5. Accordingly this writ petition is allowed. The impugned order dated 01.07.2022 (Annexure P-12) is set aside.

(DEEPAK SIBAL)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

02.06.2023
sunita

Whether Reasoned/Speaking : Yes/No
Whether Reportable : Yes/No