

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(127)

CWP-29888-2018 (O&M)
Decided on : 05.12.2023

Gurmohan Singh & another

.....Petitioner(s)

Versus

M/s Kotak Mahindra Bank

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr.Rohit Suri, Advocate for the petitioner (s).

G.S. Sandhawalia, J. (Oral)

1. Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for setting aside the order dated 22.09.2018 (Annexure P-1) passed by the Debt Recovery Tribunal-III, Chandigarh (DRT) in SA no.78/18 titled as *Gurmohan Singh Vs. Kotak Mahindra Bank*. Challenge has also been made to the staying of the auction notice dated 26.08.2018 (Annexure P-3).

2. Apparently the petitioners have already filed Appeal No.502/2018 before the Debt Recovery Appellate Tribunal at Delhi (DRAT) and the record of the DRT was called for on 25.10.2018 (Annexure P-2). Keeping in view the fact that the matter is already pending before the DRAT, we do not wish to exercise our extraordinary writ jurisdiction.

3. The Apex Court in **Varimadugu Obi Reddy Vs. B. Sreenivasulu and others, 2023 (1) RCR (Civil) 34** while discussing an similar issue held that the orders passed by the Debts Recovery Tribunal are appealable and it is not for the Writ Court to exercise its extra-ordinary writ jurisdiction under Articles 226/227 of the Constitution of India.

4. The only request counsel could make at this stage is that the matter be expedited before the DRAT. We are sure that if the petitioners file an appropriate application, the DRAT shall take this fact into account.
3. Writ petition stands disposed of, with the above-said observations.

(G.S. SANDHAWALIA)
JUDGE

05.12.2023
Sailesh

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No