

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

204

CWP-29333-2022 (O&M)

Date of Decision: 14.10.2024.

Punjab Containers (P) Ltd.

...Petitioner.

Versus

Debt Recovery Tribunal-III, Chandigarh and another

...Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Rakesh Bhatia, Advocate for the petitioner.

Mr. Assem Kaushal, Advocate for

Mr. Sorabh Sharma, Advocate for respondent No.2.

LISA GILL, J. (Oral)

1. Prayer in this writ petition is for quashing order dated 06.12.2022 (Annexure P4) passed in IA-698-2018 in OA-4303-2017, vide which application for setting aside the exparte order dated 30.11.2018 filed by the petitioner was dismissed by learned DRT-III, Chandigarh.

2. Learned counsel for petitioner submits that application filed by the petitioner for setting aside order dated 30.11.2018, whereby present petitioner was proceeded against ex-parte, has been dismissed, vide impugned order dated 06.12.2022, on a completely hypertechnical ground. Error which crept in IA-698-2018 due to typographical error. The correct date of order dated 30.11.2018 could not be mentioned. Learned DRT dismissed the application while observing that no such order was passed on the dates mentioned in the application directing present petitioner to be proceeded exparte. No opportunity was afforded to correct that apparently erroneous dated in IA-698-2018. It is thus prayed that this writ petition be allowed. Learned counsel for the petitioner undertakes that no adjournment

shall be sought by the petitioner for any reason whatsoever in case petitioner is allowed to join proceedings in OA-4303-2017.

3. Short affidavit dated 27.02.2024 of Mr. Natansh K. Pal, Authorized Officer of Deutsche Bank on behalf of respondent No.2 has been filed wherein it has been stated that though the writ petition is not maintainable and neither the petitioner established that non-appearance before learned DRT on 30.11.2018 was bona fide, however, in order to avoid any further litigation, there was no objection, in case present petition is allowed and petitioner be allowed to join proceedings and that OA-4303-2017 filed by respondent No.2 be heard on merits and disposed of in a time bound manner.

4. Keeping in view the facts and circumstances as above especially the specific stand of respondent No.2, impugned order dated 06.12.2022 is set aside. Consequently order dated 30.11.2018 to the extent petitioner is proceeded against exparte is also set aside. Parties are at liberty to raise all available pleas before learned DRT in accordance with law.

5. Writ petition is disposed of accordingly.

6. Needless to say, endeavour shall be made by learned DRT to dispose of the matter expeditiously in consonance with the letter and spirit of the statute.

7. Pending application(s), if any, also stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

14.10.2024.

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