

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6433 of 2026

-
1. Md. Mahtab Alam S/o- Late Md. Navi, Resident of- Jhapahan, Tola-Majhauilya, Post Office- Jhapahan, District- Muzaffarpur, Pin Code- 842004.
 2. Ruksana Khatoon, D/o Late Md. Navi, Resident of- Jhapahan, Tola-Majhauilya, Post Office- Jhapahan, District- Muzaffarpur, Pin Code- 842004.

... .. Petitioner/s

Versus

1. The Union of India through the Principal Secretary, Ministry of Finance, Government of India, New Delhi.
2. The Registrar, Debt Recovery Tribunal, Patna, Second Floor, Karpoori Thakur Sadan, Rajeev Nagar, Patna.
3. Chairman Cum Managing Director, Punjab National Bank, corporate headquarters located at Plot No. 4, Sector-10, Dwarka, New Delhi 110075.
4. The Zonal Manager, Punjab National Bank, R-Block, Patna.
5. Chief Manager, Punjab National Bank, Circle Office Location- Aghoriya Bazar, Near Bata Showroom, Muzaffarpur, Bihar-842002.
6. The Branch Manager, Punjab National Bank, MDDM Branch, P.O. Ramna, Muzaffarpur 842002.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Singh, Adv.
For the Respondent/s	:	Mr.Additional Solicitor General
For the PNB		Mr. Suryakant Kumar, Adv.

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

4 23-06-2026 The present writ petition is filed against the order dated 30.01.2026 passed in O.A. No. 493 of 2022 by the Presiding Officer, Debts Recovery Tribunal, Patna. The said O.A. was filed by the Respondent-Punjab National Bank against M/S New Apna Traders through its proprietor Md. Abdul Sattar and legal heirs of Late Md. Navi, namely, Md. Abdul Sattar, Md. Rizwan, and Zarina Begum. Learned counsel submits that



the petitioners are also the legal heirs of Late Md. Navi. That the Respondent-Bank filed the O.A. before the Debts Recovery Tribunal, Patna without impleading them as party respondent. Learned counsel further submits that on coming to know about the O.A., the petitioners filed I.A. No. 57 of 2025 before the Debts Recovery Tribunal, Patna seeking to implead themselves as party-respondents in the pending O.A. That the Presiding Officer, Debts Recovery Tribunal, Patna, vide order dated 30.01.2026, dismissed the I.A. No. 57 of 2025 filed by the petitioners on the ground that the Bank had no information regarding the petitioners' claim that they are also legal heirs of Late Md. Navi. It is further stated that in the I.A. filed by the petitioners seeking impleadment as party respondents, there is no mention of the source of information through which the petitioners came to know about the O.A. pending before the Debts Recovery Tribunal, Patna. That the Debts Recovery Tribunal, Patna, has dismissed the I.A. filed by the petitioners on the ground that the petitioners failed to produce any succession certificate issued by a competent Civil Court. The Tribunal further observed that the I.A. had been filed only with the intention of delaying the proceedings in the O.A. pending before the Debts Recovery Tribunal, Patna. Learned counsel



submits that the reasoning given by the Debts Recovery Tribunal, Patna for dismissing the I.A. filed by the petitioner is without any legal basis and the same has been passed in a mechanical manner. Learned counsel submits that there is no legal necessity to file a succession certificate when the petitioners have already filed their affidavits before the authority stating that they are also the legal heirs of Late Md. Navi. It is further submitted that the non-impleadment of the petitioners, who are also legal heirs of Late Md. Navi, as party respondents goes to the very root of the maintainability of the O.A. filed by the Respondent-Bank. That the petitioners are proper and necessary parties in the said O.A. It is further submitted that any order passed by the Debts Recovery Tribunal, Patna, would affect the valuable legal rights of the petitioners herein also. That the order dated 30.01.2026 passed in O.A. No. 493 of 2022 by the Debts Recovery Tribunal, Patna, dismissing the I.A. is liable to be set aside and prayed this Hon'ble Court to set aside the impugned order dated 30.01.2026 and remand the matter back to the authority concerned for passing orders afresh duly considering the submissions and contentions raised by the petitioners.

2. Per contra, the learned counsel appearing on



behalf of the Respondent-Punjab National Bank has vehemently opposed the very maintainability of the present writ petition. Learned counsel submits that the petitioners are having an alternative and efficacious remedy of filing an appeal before the Debts Recovery Appellate Tribunal, Allahabad against the order of the Debts Recovery Tribunal, Patna. Learned counsel submits that without filing an appeal the petitioners have straight away approached this Hon'ble Court by way of the present writ petition and the same is not permissible. Further, it is submitted that on inquiry by the Respondent-Bank, it came to light that Late Md. Navi had only three legal heirs, who have already been impleaded as party respondents in the O.A. That the I.A. filed by the petitioners herein is merely an attempt to delay the final adjudication of the O.A. Learned counsel has, accordingly, prayed that this Hon'ble Court dismiss the present writ petition.

3. Admittedly, in the present case, the petitioners claim to be the legal heirs of the deceased, Late Md. Navi, who was the original mortgager against whom the Respondent-Bank has initiated proceedings for recovery of its dues. In the interlocutory application filed by the petitioners, i.e., I.A. No. 57 of 2025, it has been specifically stated that Late Md. Navi was



survived by three sons and two daughters. However, the petitioners were not impleaded as party respondents in the O.A. In case of any sale of the mortgaged property by the Bank, it would directly affect the legal heirs of the original mortgager, namely Late Md. Navi. Non impleadment of all the legal heirs of Late Md. Navi will definitely prejudice the rights and interests of the petitioners herein. The reasoning assigned by the Debts Recovery Tribunal, Patna, that the petitioners failed to produce a succession certificate to establish their status as legal heirs of Late Md. Navi, is devoid of any legal basis. Order XXII Rule 4 of the Code of Civil Procedure recognizes the right of the legal representatives of a deceased person to be brought on record during the pendency of the proceedings/O.A. If there is any dispute regarding the petitioners' claim of being legal heirs of the deceased, the other legal heirs are at liberty to raise objections, however, in the present case, it appears that no objections have been raised by the other legal heirs. The impleadment of the petitioners will in no manner prejudice the rights of the Bank. Further if the petitioners are not impleaded by order passed by the Debts Recovery Tribunal, Patna will not bind the petitioners. Therefore they are proper and necessary parties to the proceedings.



4. Having regard to the above, this court is of the view that the impugned order dated 30.01.2026 passed in O.A. No. 493 of 2022 by the Presiding Officer, Debts Recovery Tribunal, Patna is not legally valid, the order to the extent of dismissing the I.A. No. 57 of 2025 only is set aside. The I.A. No. 57 of 2025 is restored to its original file. The Debts Recovery Tribunal, Patna is directed to pass orders afresh duly taking note of the observations made by this Court.

5. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

U			
---	--	--	--

