

(2023) 03 DEL CK 0154

In the Delhi High Court

Case No : Civil Writ Petition No. 3624 Of 2023, Civil Miscellaneous Application
No. 14066-67 Of 2023

Dan Bahadur Singh

APPELLANT

Vs

Punjab National Bank

RESPONDENT

Date of Decision : 22-03-2023

Acts Referred:

Citation : (2023) 03 DEL CK 0154

Hon'ble Judges : Najmi Waziri, J;Gaurang Kanth, J

Bench : Division Bench

Advocate : Sanjeev Bhandari, Reena Jain Malhotra, Anand Aggarwal, Kunal Mital, Prashant Kumar, Ajay Sharma

Final Decision : Disposed Of

Judgement

Najmi Waziri, J

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. Issue notice. The learned counsel named above accepts notice on behalf of the respondent.

2. The petition has been filed since the DRT concerned is not functioning today on account of all DRT Presiding Officers having gone to attend a "National Seminar for Presiding Officers of DRT at the National Judicial Academy India, Bhopal" organised by the Ministry of Finance, Government of India, which understandably would be conscious that the non-functioning of all DRTs in the country, for at least two consecutive days, would be causing prejudice to many a party. One such party is the present petitioner, who says that auction apropos his mortgaged property is scheduled for today and if the auction goes through without his case being heard on merits, the petitioner may be irreparably prejudiced and he may become remediless. His application cannot be taken up today by the DRT for the aforesaid reason. He contends that the auction cannot

proceed without prior clear notice of 15 days, which was not accorded to him. Furthermore, notice has admittedly been sought to be served upon the petitioner, at an address which is no more relevant because physical possession of the said property, his former residential address, had already been taken by the respondent-bank. Therefore, notice ought to have been served upon him at the address notified to the bank in proceedings pending before the DRT.

3. In view of the above, the learned counsel for the parties will request the DRT concerned to take up the matter on an urgent basis preferably this week itself.

4. No precipitate action shall be taken till the matter is heard by the DRT. Bids, if any, received in the course of this day shall not be acted upon till further orders of the DRT.

5. The petition, along with pending applications, is disposed-off in terms of the above.