
(2013) 12 KAR CK 0197

In the Karnataka High Court

Case No : Writ Petition No. 16893 of 2013 (GM-DRT)

Sri Gaddi Goudara Chandrappa and Others

APPELLANT

Vs

M/s. Pragathi Gramin Bank, (Erstwhile Tungabhadra Gramin Bank) and Others

RESPONDENT

Date of Decision : 11-12-2013

Acts Referred:

Citation : (2013) 12 KAR CK 0197

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : Sampath Bapat, for the Appellant; U.R. Nayak, for R1, for the Respondent

Final Decision : Disposed Off

Judgement

A.S. Bopanna, J.—The petitioners are before this Court assailing the order dated 22.03.2013 passed on I.A. No. 4218/2012 in O.A. No. 17/2011 pending before the Debts Recovery Tribunal ("DRT" for short) and consequently allow I.A. No. 4218/2012. The petitioners herein are the defendants in O.A. No. 17/2011. In the said proceedings initiated by the respondent-Bank for recovery of the amount stated therein, after the examination of the witness on behalf of the bank as AW-1, the petitioners with the intention of cross-examining the said witness had filed an application before the DRT seeking leave to cross-examine AW-1. The said application had been opposed by the Bank. The DRT after considering the rival contentions has dismissed the application. It is in that circumstance, the petitioner is before this Court.

2. Having noticed the contentions urged herein, I have perused the order passed by the DRT. It is no doubt true that the DRT on taking note of the reasons put forth for cross-examining the witness and in that background taking note of the legal position enunciated by the Courts has come to the conclusion that the same conventional methods cannot be followed and the DRT should be in a position to decide the case expeditiously and in such proceedings, the documents and

affidavits would be sufficient for the purpose of conclusion. The petitioners herein in fact had also relied upon a decision of this Court, wherein it was held that the prevailing factors of each case should be taken into consideration while disposing of such applications.

3. Be that as it may, what is also necessary to be noticed is that from the purport of the order of the DRT, it is seen that the DRT was concerned about expeditiously disposing of the matters before it. In such circumstance, taking note of the situation where this Court had granted stay of the further proceedings and sufficient time has been spent before this Court and also taking note of the request made by the petitioner through the application seeking opportunity to cross-examine AW-1, the matter could be resolved if petitioner is granted opportunity to cross-examine within a time frame that would be fixed by the DRT for the said purpose. By the said process, the opportunity sought for by the petitioner would also be available and the matter also could be disposed of by the DRT within a time frame as expeditiously as possible. Hence, the order of the DRT impugned herein is modified and a direction is issued to the DRT to permit the learned counsel for the petitioners to cross-examine AW-1 within the time frame to be fixed by the DRT. Needless to mention that if the cross-examination of the witness is not carried out and completed by the learned counsel for the petitioners in the manner as directed by the DRT and if any effort is made to drag on the proceedings, the benefit granted by this Court will not enure to the petitioners and it would be open for the DRT to proceed thereafter.

In terms of the above, the petition stands disposed of.