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**(2020) 05 DRT CK 0003**  
**In the Debts Recovery Tribunal**  
**Case No : Original Application No. 181 Of 2019**

State Bank Of India

APPELLANT

Vs

Ram Gopal Sokhal And Anr.

RESPONDENT

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**Date of Decision :** 22-05-2020

**Acts Referred:**

**Citation :** (2020) 05 DRT CK 0003

**Hon'ble Judges :** Vivek Saxena, J

**Bench :** Single Bench

**Final Decision :** Allowed

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## Judgement

1. The Applicant Bank originally filed this O.A. on 08-01-2019, against the Defendants for the recovery of a sum of Rs.61,83,757.08/- (Sixty One Lacs Eighty Three Thousand Seven Hundred Fifty Seven and paise Eight Only) on Housing Loan Facility @ 09.30% p.a. with monthly rests from the Defendants with date of filing this original application till the date of realization and in default by sale of mortgaged property i.e.- "Flat No. 706, 7th Floor, Aradhana Residency, G-1, Manglam City, Kalwar Road, Jaipur (Raj.) AND as well as other Personal movable and immovable properties/assets of Defendants, jointly and severally. The applicant bank is entitled to proceed against the same towards recovery of its debt. The applicant bank is entitled to the costs and expenses of the original application.
2. The Defendants is called absent and set ex-parte on 27-01-2020.
3. The applicant bank filed its evidence affidavit along with list of documents, annexing therewith Exhibit A/1 to A/12.
4. Heard the Ld. Counsel for the applicant bank.
5. The point that arise for consideration is: Whether the applicant bank is entitled to the claim as prayed for?
6. As stated supra, the Defendants remained ex-parte. The applicant bank filed

the evidence affidavit coupled with the recitals in the documents, viz Exhibit A/1 to A/12 marked on behalf of the applicant bank, clinches the claim of the applicant bank against the Defendants. Hence, I hold that the Defendants are liable to pay to the applicant bank the claim made in O.A. with future interest and costs.

7. In the result, this O.A. No. 181 of 2019 is allowed declaring that:-

a) The Defendants are liable to pay to the applicant bank a sum of Rs.61,83,757.08/- (Sixty One Lacs Eighty Three Thousand Seven Hundred Fifty Seven and paise Eight Only) with future interest @ 10% p.a. (Simple) rests from the date of filing the original application till the date of realization.

b) The applicant bank is entitled to recover the above amount by the sale of mortgaged property i.e.-"Flat No. 706, 7th Floor, Aradhana Residency, G-1, Manglam City, Kalwar Road, Jaipur (Raj.) AND as well as other Personal movable and immovable properties/assets of Defendants, jointly and severally. The applicant bank is entitled to proceed against the same towards recovery of its debt.

c) The applicant bank is entitled to the costs and expenses of the O.A.

8. The recovery certificate be issued forthwith and be sent to the Recovery Officer, DRT, Jaipur.

9. Parties are directed to appear before the Recovery Officer, DRT, Jaipur on 24-08-2020.

10. Prepare Recovery Certificate accordingly.

11. A copy of the Judgment and Recovery Certificate be given or sent by registered post to each of the parties free. A copy of the Recovery Certificate be sent to the Recovery Officer of this Tribunal for necessary action as per the law.

Order pronounced in the open court today i.e. 22-05-2020.