

BEFORE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG).

WRIT PETITION NO. 3886. 2005

PETITIONERS : (1) M/s Millenium Bhilai Traders Pvt.Ltd.

Regd.Office at Shop No.34, Akash Ganga
Supela, Bhilai (C.G.).

(2) Rajesh Dhody S/o P.R.Dhody, aged 49 yrs.

(3) Smt.Chandra Kanta Dhody W/o Late
Prithvi Raj Dhody.

(4) Rakesh Dhody s/o P.R.Dhody, aged about
45 years.

(5) Smt.Sonia Dhody w/o Rajesh Dhody,
Aged about 45 years.

Petitioners 2 to 5 residents of Plot No.4,
Malviya Nagar, Durg (C.G.).

VERSUS.

RESPONDENTS : (1) Bank of Baroda, Durg (C.G.).

(2) Mushtak Ahmed, Plot No.10, Ayappa
Nagar, Supela, Bhilai, Tah. & Distt.
Durg (C.G.).

(3) The Debt Recovery Tribunal
Jabalpur (M.P.)
Through :- Registrar.

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION
OF INDIA.

P.R. No. 3886/05
Presented by Shri. K.S. Temdekar
Dated 8/2/05

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3886 / सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>31-8-2005</p> <p>Heard Mr. V.G. Tamaskar, counsel for the petitioners, on admission.</p> <p>By the instant writ petition under Article 226/227 of the Constitution of India, the petitioners have questioned the legality and propriety of the judgment dated 21-6-2005 passed by the Debts Recovery Tribunal, Jabalpur, in O.A.No.13 of 2004 filed by respondent No.1 against the petitioners, whereby learned Tribunal has allowed the application of the respondent Bank and passed a decree against the petitioners to the tune of Rs.82,17,026-28 ps. along with the cost, pendentilite and future interest @ 12% per annum with effect from 29-1-2004.</p> <p>Learned counsel for the petitioners argued that a specific plea was raised by the petitioners herein on the ground that the application of respondent No.1 was not maintainable as the original documents were not filed along with the original application and also on the ground of period of limitation.</p> <p>Having heard learned counsel for the petitioners, I have perused the petition.</p> <p>I am of the opinion that this petition is misconceived, as the petitioners have alternative remedy to avail. As per Section 17 (2) of the Recovery of Debts Due to Banks and Financial Institutions Act,</p>	

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	<p>1993, the petitioners are entitled to file appeal against the order impugned before the appellate Tribunal.</p> <p>The Parliament has created the Tribunals for expeditious disposal of recovery of debts due to banks and financial institutions and for the matters connected therewith, and thereby the Fast Track Courts have been established by the Parliament so that the matters are not held up in the regular Courts.</p> <p>In view of this, the petitioners, if aggrieved by the order impugned, can challenge the same before the appellate Tribunal.</p> <p>Therefore, this writ petition has no substance, same is liable to be dismissed and it is hereby dismissed, in limine.</p> <p>Consequently, M.(W.)P.No.3262/2005, I.A.Nos.7299/2005 and 7300/2005 stand disposed of.</p>	<p>Sd/- L.C. Bhadoo Judge</p>

Soma

29.05