

**W.P.No.12835/2013**

**31/07/2013**

Shri Pranay Verma, learned counsel for the petitioner.

Challenging the concurrent orders passed by the Debt Recovery Tribunal, Jabalpur and the Debt Appellate Recovery Tribunal, Allahabad as contained in Annexure-P5 dated 16.4.2013 and Annexure-P6 dated 6.5.2013 in the matter of postponing a decision with regard to certain objections raised by the petitioner on the question of admissibility of certain documents, petitioner has filed this writ petition.

Respondent/Bank has filed the claim in question before the Debt Recovery Tribunal at Jabalpur and the claim pertains to recovery of more than 19 Lacs from the petitioner. In the said proceedings, certain documents were filed by the Bank, which according to the petitioner are inadmissible evidence and it was also said that the secondary evidence with regard to the documents is adduced contrary to law, therefore, they cannot be relied upon.

Contending that the documents are not admissible evidence and they cannot be relied upon, this writ petition is filed. The decision on the admissibility of the documents has been postponed to be considered at the time of hearing and, therefore, this writ petition has been filed challenging the order passed by the tribunal and the appellate tribunal in the matter as indicated hereinabove.

Placing reliance on a judgment rendered by the Supreme Court in the case of **Shalimar Chemicals Works Ltd. Vs. Surendra Oil & Dal mills (Refineries & Ors.) 2010 (8) SCC 423**, learned counsel for the petitioner tried to argue that when an application is filed and certain documents are adduced in evidence, admissibility of the documents should be decided at the initial stage itself and should not be postponed. Accordingly, contending that postponing the decision on the admissibility of the documents is unsustainable, learned counsel prays for interference into the matter.

Having heard learned counsel for the parties, we are of the considered view that at this interlocutory stage when a decision is yet to be taken by the tribunal, no interference is called for. The order passed by the tribunal cannot be termed as perverse, erroneous or illegal to such and extent that interference at this stage is called for.

The applications seem to have been filed only for delaying the proceedings pending before the tribunal. That being so, we are not inclined to interfere into the matter and liberty is granted to the petitioner to raise the claim, if required, after the claim is finally decided.

**(Rajendra Menon)**  
**Judge**

**(Mrs.Vimla Jain)**  
**Judge**