

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19268/2023

Ramjan Khan S/o Mohd. Noor Ali and Anr.

----Petitioners

Versus

The Nainital Bank Ltd.

----Respondent

For Petitioner(s) : Mr. Hari Prashad Jangid, Adv.

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Order

19/12/2023

Counsel for the petitioners submits that proceedings under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act of 2002') were initiated against the petitioners and, thereafter, the respondent-Bank submitted an application under Section 14 of the Act of 2002 before the District Magistrate on 21.09.2023 and on the very same day, the said application was allowed, without issuing notice to the petitioners which has resulted in violation of principle of natural justice. Counsel submits that though the petitioner has alternative statutory remedy to assail the aforesaid order by way of filing appropriate application under the provisions of the Act of 2002 before the Debt Recovery Tribunal (for short 'the Tribunal') but the post of Presiding Officer is lying vacant on account of completion of his tenure and till date no new Presiding Officer has been appointed. Counsel submits that under these circumstances, the petitioner cannot be left remediless.



[CW-19268/2023]

Issue notice to the respondents. Rule is made returnable by 23.01.2024.

Till next date, the respondents are directed to maintain status quo.

(ANOOP KUMAR DHAND),J

MR/222