



2026:UHC:4631-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

10th June, 2026

WRIT PETITION (M/B) NO. 472 OF 2026

Rajesh Kumar and another.Petitioners.

Versus

Debt Recovery Appellate Tribunal and others.

.....Respondents

Counsel for the petitioners : Sri Ravindra S. Rawat, learned counsel.

Counsel for the respondents : Sri Nikhil Singhal, learned counsel for respondent Nos. 5 to 7.

JUDGMENT : (PER: SRI MANOJ KUMAR GUPTA, C.J.)

1. The instant writ petition is directed against the order dated 23.04.2026 passed by DRAT, Allahabad, by which the Restoration Application filed by the writ petitioners for restoring their Appeal, dismissed for non-payment of complete court fees, has been rejected.

2. Learned counsel for the petitioners states that the petitioners are ready to deposit the entire amount of Court fees.

3. It appears that at the time of filing appeal before DRAT, the petitioners paid only half of the court fees on the ground that they were third parties, and therefore liable to pay only half of the amount of court fees ordinarily payable. The Tribunal has held that the petitioners had purchased half share of one of the partners of M/s Piyush Industries to whom credit facilities were granted by the Bank and consequently, they have stepped into the shoes of the person creating equitable mortgage and the industry to whom the loan was given, therefore, they were liable to pay the full court fees. In the event, the petitioners are ready to pay the entire court



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fees, it shall be open to them to move appropriate application in this regard before DRAT so that the same is considered.

4. As merits of the order is not being assailed, the writ petition is dismissed. However, liberty is granted to the petitioners to move appropriate application before DRAT, along with the evidence of payment of full Court Fees, so that the said application is considered in accordance with law.

5. Pending application, if any, also stands dismissed.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 10th June, 2026
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