

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.18084/2000

(From the judgement and order dated 21/06/2000 in CWJC 5980/99 of The HIGH COURT OF PATNA)

SUKHDEO NAYAK

Petitioner (s)

VERSUS

CANARA BANK & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 20/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M. JAGANNADHA RAO
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr.J.C.Batra,Sr.adv
M/s.Prakash Jha, Ravi Shanker Kumar,advs.
Ms. Kamakshi S. Mehlwal,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J

.SP2

We are not inclined to accept the contention of the learned counsel for the petitioner that mortgage suits are not liable to be transferred to the Debt Recovery Tribunal, nor are we satisfied with the contention that the powers of the Tribunal under the Act (Recovery of Debts due to Banks and Financial Institutions) Act, 1993), are more restricted than the powers of the Civil Courts.On the other hand, powers of the said Tribunal have been held by this Court, to be wider than the powers of the Civil courts. Hence, mortgage suits get automatically transferred to the Tribunal.

The Special Leave Petition is dismissed accordingly.

.SP1

(T.K.Viswanadhan)
Cour Master

(D.D.Jindal)
Court Master