

**Batra Traders and anr. Vs. Oriental Bank of Commerce**

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**SooperKanoon Citation :** [sooperkanoon.com/56183](http://sooperkanoon.com/56183)

**Court :** DRAT Delhi

**Decided On :** Dec-16-2002

**Reported in :** III(2003)BC27

**Judge :** K Kumaran

**Appellant :** Batra Traders and anr.

**Respondent :** Oriental Bank of Commerce

**Judgement :**

1. Learned Counsel for the applicant states that he has produced copy of the O.A. and points out from paragraph 7(a)(i) that the property mentioned therein is the same property referred to in the Power of Attorney Deeds. In these circumstances, Mr. Joginder Singh Logani is permitted to act as Power of Attorney agent of the 3rd respondent Manjari Gupta.

2. Office Note indicates that the 1st respondent Bank has been served, but none has put in appearance on behalf of the 1st respondent.

3. Learned Counsel for the applicant points out that even in Miscellaneous Application 540/2001, the respondents 2 and 3 have indicated that they have no objection if the transfer application is allowed.

4. Learned Counsel for the applicant points out there are five matters in the whole concerning the applicants and the Bank in question, and four of the matters are before the Recovery Officer of DRT-I, Delhi whereas RC 187/2002 arising from

O.A. 330/96 is only pending before the Recovery Officer of DRT-III, Delhi. He requests that this RC may also be transferred to the Recovery Officer of DRT-I, Delhi not only for the convenience of the parties, but also because the jurisdiction with reference to the subject-matter of the said RC now vests with DRT-I, Delhi. In view of the fact that the 1st respondent Bank remains ex parte, and in view of the fact that respondents 2 and 3 have expressed in Miscellaneous Application 540/2002 that they have no objection for the transfer, this Miscellaneous Application 431/2002 has to be allowed. Accordingly, RC 187/2002 arising from O.A. 330/96 pending before the Recovery Officer of DRT-III, Delhi is withdrawn and transferred to the file of Recovery Officer of DRT-I, Delhi for disposal according to law. Both the applications are disposed of accordingly.

Copy of this order be furnished Dasti to the parties and also be furnished to both the Recovery Officers through the DRTs concerned.

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