

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**SUBJECT : CODE OF CIVIL PROCEDURE**

W.P.(C) 7076/2008 and CM Nos. 13632 and 13634 of 2008

DATE OF DECISION: 2nd December, 2008

PUNJAB NATIONAL BANK  
Through: Mr. V.C. Mittal, Advocate.

..... Petitioner

versus

AAIFR and ORS.  
Through: Mr. Raju Ramchandran, Sr. Advocate with Mr. Amit Dhall,  
Advocate.

..... Respondents

CORAM:  
HON'BLE MR. JUSTICE MUKUL MUDGAL  
HON'BLE MR. JUSTICE MANMOHAN

**J U D G M E N T**

MUKUL MUDGAL, J: (ORAL)

1. Rule D.B.
2. By consent of counsel, this petition is taken up for final hearing.
3. This writ petition challenges the order dated 31st January, 2008 whereby the Appellate Authority of Industrial and Financial Reconstruction, New Delhi (for short "AAIFR") adjourned the matter sine die in view of the pendency of the matter in Delhi High Court. The adjournment was on the basis of the order of this Court reproduced at page 127 of this paper book which was merely an order issuing notice and formulating the question of law.

4. The learned counsel for the petitioner has pointed out that the issue involved is covered by a judgment of Division Bench of this Court titled as Punjab National Bank Vs. AAI FR and Ors. reported in (2008) 151 DLT 81.

5. We are, therefore, of the view that the adjournment sine die by the AAI FR was not, in the facts and circumstances of the case, justified and therefore, we set aside the order of the AAI FR dated 31st January, 2008 in Appeal No. 14 of 2008 and while directing the parties to appear before the AAI FR on 15th December, 2008, we direct the AAI FR to dispose of the appeal in accordance with law not later than four months from the date of first hearing before it. The interim order passed by us on the facts and circumstances of this case shall be the interim order before the AAI FR in these proceedings.

6. Accordingly, writ petition along with pending applications stand disposed of.

7. A copy of this order be given dasti to the learned counsel for the parties.

Sd/-  
MUKUL MUDGAL, J

Sd/-  
MANMOHAN, J