

RAJASTHAN FINANCIAL CORPORATION  
Udyog Bhawan, Tilak Marg, Jaipur-302 005

Ref.No : RFC/F/Law/HO-1528/ 6466


Dated : 31.07.2003

C I R C U L A R  
( Litigation Circular No. 91 )

Subject : Important Court Decision - Akshaydeep Mathur Vs. R.F.C.

In the S.B.Civil Revision Petition No.410/2000 the petitioner filed, a revision before the H'ble High Court u/s 115 of C.P.C. against the order of ADJ-6 Jaipur(City) Jaipur for returning the application as being with the purview of the DRT only as the application was for recovery of dues over Rs. 10 lac. The H'ble Court dismissed the revision petition stating that " it is an application filed with oblique motive and purpose to delay the recovery of due amount of public money ". The H'ble court has also imposed penalty of Rs. 2000/- on the petitioner-defendent.

Photo copy of the judgement is enclosed. All concerned are requested to keep this important judgement in mind while dealing with the relevant issue. Our Advocates on penal should be appraised of this decision.

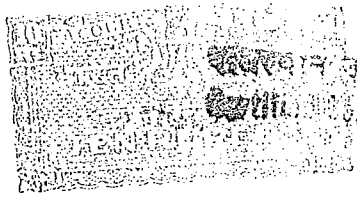
  
( J.P.Vimal )  
Executive Director

Encl: As above.

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4. DGM(FR)s, H.O.

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राजस्थान उच्च न्यायालय, जयपुर  
Copy of the Judgment ...

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AT THE HIGH COURT OF JUDICATURE FOR RAJASTHAN,  
JAIPUR BENCH, JAIPUR.

S.B. Civil Revision Petition No.

1102/99

799

Akshaydeep Mathur, s/o Shri A.S. Mathur, age 43 years, r/o C-10, Shriam  
Niketan, New Colony, Jaipur.

• Petitioner-defendant

VERSUS

Rajasthan Financial Corporation, Udyog Bhawan, Tilak Marg, Jaipur

• Respondent-applicant

Civil Revision under s. 115, C.P.C., against the order of Shri Kapil Bhargava,  
Additional District Judge No. 6, Jaipur City, Jaipur, dated 24/8/99, in Application  
No. 12/96, *Rajasthan Financial Corporation versus Akshaydeep Mathur*, having  
dismissed the application of the petitioner under rule 11 of Order VII of the CPC  
for returning the application as being within the purview of the DRT only as the  
application was for recovery of dues over Rs. 10 lacs

In the matter of section 31 of the State Financial Corporation

Value of the court fees of Rs. 10/- (Rupees ten only) is affixed herewith.



शुद्धी - प्रतिलिपि  
[Signature]  
अधीनस्थ  
राज. उच्च न्यायालय की  
दफ्तरे

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S.B. Civil Revision Petition No. 4107/2000  
Date of Order ::: 08.04.2003

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नम्या  
अहक  
हुक्म  
में जां

HON'BLE MR. JUSTICE S.K. KESHOTE

Mr. Kersi J. Mehta, for defendant petitioner  
Mr. S.N. Yadav, for applicant non petitioner  
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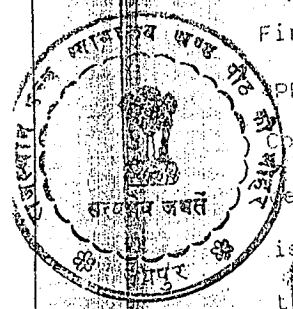
BY THE COURT :

Heard learned counsel for the parties.

The Rajasthan Financial Corporation, Jaipur applicant . non petitioner filed an application under Section 31 of the State Financial Corporation Act, 1951 in the Court of District Judge, Jaipur City, Jaipur, which was transferred to the Court of Additional District Judge, No.6, Jaipur City, Jaipur.

In that application, the defendant petitioner filed an application under Order 7 Rule 11 CPC praying therein for dismissal of the same, as the same is not maintainable. The grievance has been made that the matter falls within the purview of the Debts Recovery Tribunal and this application is not maintainable.

It is not in dispute that the defendant petitioner has taken a loan from the Rajasthan Financial Corporation, Jaipur. As per the application of the Rajasthan Financial Corporation, Jaipur total dues against the defendant petitioner were of Rs.14,18,548/-. It is really shocking that borrower has come up with this technical ples and sought to be non suited a financial institution on this ground. It is most



बहो - प्रतिलिपि  
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सदर: उदय...

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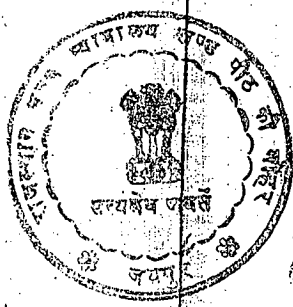
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unfair on the part of the borrower. It is a public money and it cannot be allowed to retain by unscrupulously litigants i.e. the defendant petitioner in this manner and fashion. How it make any difference. Ultimately it has to avail either of the remedies for recoveries of the dues of the financial institution, public money. I do not find any illegality in the approach of the learned trial Court and rightly this application has been rejected on the face of it which is not bonafide. It is an application filed with oblique motive and purpose to delay the recovery of dues amount of public money.

In the result, this revision petition fails and the same is dismissed with costs, which is quantified to Rs.2,000/-. The amount of the costs is to be paid personally to the defendant petitioner by an Account Payee Cheque/ Demand Draft or by Pay Order. Learned Trial Court is directed to decide the application of the Corporation within a period of six months from the date of receipt of copy of this order.

*S.K.Keshote*  
(S.K.KESHOTE, J.)



सही - प्रतिलिपि  
*(Signature)*  
 दिनांक 24/4/03  
 जय: उदय प्रसाददास शिंदे  
 सहायक