



**Before SUSHIL KUMAR RASTOGI, Presiding Officer  
Debts Recovery Tribunal-II, Delhi**

**TA No.454 OF 2023  
CANARA BANK VS M/S. GIRIRAJ TOURS & TRAVELS PVT  
LTD & ORS**

**Reserved on : 24.12.2025  
Pronounced on : 22.01.2026**

Canara Bank -Applicant bank

Vs.

1. M/s. Giriraj Tours & Travels Pvt Ltd
2. Shri. Sanjay Kumar
3. Shri. Satish Kaushik
4. Shri. D.N. Kapoor - Defendants

Present: Mr. Naman Veer, Counsel appears for applicant bank.  
Defendant nos.1 to 3 are ex parte dated 30.04.2025.  
None for LRs of defendant no.4.

#### **FINAL ORDER**

This original application has been filed by the applicant bank, on 14.03.2016 through Mrs. Sadhna Suresh, Senior Manager of the applicant bank, under Section 19 of the RDB Act, 1993 against the defendants for recovery of a sum of Rs.28,77,737/- as on 08.03.2016 is due as debt under cash credit limit account to the applicant bank from defendants with pendentellite and future interest from date of filing of this O.A. till the realization in full.

*Sd/-*

2. The brief facts of the case are that at the request of the defendant no.1, the applicant bank sanctioned a Vehicles Loan Facilities i.e., (i). The loan of Rs.17 Lakhs for 5 Indica Cars, vide office note dated 15.05.2013. (ii). The loan of Rs.10.36 Lakhs for 2 Maruti Swift VDI cars, vide office note dated 21.10.2013. (iii). The loan of Rs.11.48 Lakhs for Toyota Innova, vide office note dated 20.01.2014. The Primary securities issued in favor of the applicant bank in consideration of the bank sanctioning the said term loan facility to the borrower was hypothecation of aforesaid vehicles in favour of the applicant bank, whereby all the Motor Vehicles, tools and accessories, already purchased would be referred to as hypothecation vehicles as security for payment of the loan amount to the bank. It is submitted that the above limits were permitted on the personal guarantee of the defendant nos.2 to 4.

3. It is further submitted that the defendants enjoyed and utilized the Loan facility, but failed to maintain the financial discipline and failed to repay the due amounts. The applicant bank requested the defendants to regularize the loan account by visits and letters, but there was no response from the defendants, hence the account was classified as NPA on 16.03.2015. Therefore, the applicant bank served a legal notice dated 20.07.2015 to the defendants but failed to recover the same. Thus, the present O.A/T.A. is preferred by the applicant bank to recover its dues.

4. On notice by this Tribunal, defendant nos.1 & 2 put appearance through counsel and filed written

statement but failed to file evidence. Thereafter, the defendant nos.1 & 2 failed to put appearance in the matter. Accordingly, the defendant nos.1 & 2 were proceeded against ex parte on 30.04.2025. The defendants no.3 failed to put appearance at all, despite service. Accordingly, the defendant no.3 was proceeded against ex parte on 30.04.2025. During the pendency of the OA, the Ld. Counsel of defendant nos.1 & 2 informed on 09.02.2017 that defendant no.4 has expired. On 16.10.2025, the Ld. counsel for the applicant bank has made a submission that she does not want to implead the LRs of defendant no.4 as a party in the present T.A. Therefore, the T.A is abated against defendant no.4, vide order dated 16.10.2025. Therefore, no relief can be against LRs of defendant no.4 as they have not been impleaded as party in the present O.A/ T.A.

5. The applicant bank has filed evidence by way of affidavit of Mr. Rakesh Kumar, Senior Manager of the applicant bank as Annexure- 2 to Annexure- 7 which have gone unchallenged and un-rebutted. Hence, the case of the applicant bank stands fully established against the defendants with respect to nonpayment of outstanding amount.

6. After perusing the records, this Tribunal is of the view that the applicant bank has proved its case beyond reasonable doubts. The evidence and documents filed by the applicant bank not rebutted by the defendants by not placing any evidence and there is no question of disbelieving the evidence and

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documents filed by the applicant bank based upon the written/printed documents.

In the light of the above discussions, the present T.A. deserves to be allowed against defendant nos.1 to 3 and case against defendant no.4 is abated.

**ORDER**

- 1) I hereby allow this T.A. of the Applicant Bank and direct the defendant nos.1 to 3 to pay jointly and severally to the applicant bank within 30 days from today, a sum of Rs.28,77,737/- along with cost, expenses and interest @13.75% from the date of filing of this O.A. which has become T.A till the date of realization. The case against defendant no.4 is abated.
- 2) In case of failure to deposit the above amount within the stipulated period, the same shall be recovered from the sale of the hypothecated vehicles. In case of short fall, the same shall be recovered from the sale of personal movable and immovable assets of the defendant nos.1 to 3.
- 3) Recovery Certificate be issued forthwith and be sent to Recovery Officer, Debts Recovery Tribunal-II, Delhi.
- 4) The registry of this Tribunal is hereby directed to issue free copy of the order and send the same to both the parties.

*Sd/*

5) Parties are directed to appear before the Ld. Recovery Officer, DRT-II, Delhi on 23.03.2026. Pending IAs, if any, stand disposed of.

File be consigned to records.

*Sd*

Date : 22.01.2026 (SUSHIL KUMAR RASTOGI)  
PRESIDING OFFICER  
DRT-II, Delhi

This judgement has been signed, dated and pronounced in open court.

*Sd*

Date : 22.01.2026 (SUSHIL KUMAR RASTOGI)  
PRESIDING OFFICER  
DRT-II, Delhi