

07/03/2024	Ex. No.	<u>Before Presiding Officer Dr. Rekha G. Dhakar, DRT-1, Mumbai.</u> <u>Roznama in TA 161 of 2023</u> <u>Kotak Mahindra Bank Limited Vs</u> <u>Vishwanath R Panvelkar</u>	Next date
		Advocate Meera. V. Jamadar i/b Advocate Shashikant Gaikwad appeared for the Applicant. <u>IA No. 481/2024</u> 1. The Ld. Counsel appearing for the Applicant Bank seeking permission to withdraw the Original Application as they have settled the matter out of court with the defendants and received an amount towards full and final settlement of entire OA claim of Rs. 28,18,327.99/- 2. Considered the contentions of Ld. Counsel for the applicant and gone through the record as well as case laws on the subject. 3. The Hon'ble High Court of Delhi in the matter of Satish Chand Gupta & Ors. Vs. SBI-W.P © 2588/2010 held that ".....DRT can have no objection to the same as the bank which is claimant has agreed to the same. The bank is dominus litis and it is	

		for the bank to decide as to against which party it desires the litigation to continue. It is purely a contractual matter and the bank in its wisdom decided to settle the claim against the petitioners.....". It was further laid down that the Tribunal appears to think that it is some kind of Ombudsman/ Auditor of the bank to scrutinize the settlement arrived between the parties. The Tribunal is no one to decide as to at what value the bank should settle its dues with the borrower especially when the bank has Managers who have acted in pursuance to authorization in their favour and after due consideration of the proposal of the petitioners....". 4. In the light of above, since the account impugned has already been closed in terms of settlement between the parties and Bank has already received the entire settlement amount, further the bank has dominus litis in their matter, therefore, IA No. 481/2024 is allowed and Transfer Application is hereby disposed as withdrawn.	
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		5. The Registry of this Tribunal is hereby directed to return the complete documents of the OA to the authorized officer of the applicant bank before the Ld. Registrar on 21/03/2024 after obtaining necessary acknowledgment. However, the order sheets as well as the plaint and necessary documents shall be kept with this Tribunal. 6. The applicant is directed to follow the procedure of refund of court fees as per the DRT (Refund of Court fee) Rules 2013. File be closed and consigned to record room. P.O. DRT-I	
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