

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 512 of 2015

Janki Lal Jaiswal S/o Late Ram Swarup Jaiswal, Aged About
70 Years R/o H.I.G.-11, Sardar Vallabh Bhai Patel Nagar,
Jamnipali, And Tehsil Katghora, District- Korba, Chhattisgarh

---- Petitioner

Versus

1. V. K. Rajput , Authorized Officer, (Recovery) & Chief General
Manager Punjab National Bank, Circle Office, Vyapar Vihar,
Near Deep Hotel, Bilaspur, Chhattisgarh
2. Xavier Lakra, Branch Manager, Punjab National Bank, Branch
Darri, Sardar Vallabh Bhai Patel Nagar, Jamnipali, And Tehsil
Katghora, District- Korba, Chhattisgarh(Contemnors)

---- Respondents

For Petitioner : Shri Basant Dewangan, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/12/2015

Heard.

1. Learned counsel for the petitioner submits that despite
interim order passed in favour of the petitioner that no coercive
steps shall be taken towards recovery against the petitioner/ the
guarantor, the respondent authorities have issued notice to the
borrower and in that process, they have also issued notice with
regard to the land and building bearing Khasra No.462/1 plot
No.11, HIG, Sardar Vallabh Bhai Patel Nagar, District Korba
(C.G.) which is the property held on lease hold rights by the
petitioner and not by the borrower.

2. This Court vide order dated 30.06.2014 had directed that till the next date of hearing, the respondents shall not take any coercive steps against recovery. However, it is made clear that this order shall not come in the way of bank from recovering the amount from the borrowers. The respondent shall examine his own records relating to loan transaction in favour of borrower. The documents in respect of the land of the petitioner as guarantor shall also be examined. If it is found that the land description of which has been given in the inventory, has been held on lease hold rights by the petitioner/guarantor, the Bank Officer shall take immediate steps to keep that property away from any attachment or sale proceeding till the interim order is continuing. This order shall be produced before respondent No.1, who shall pass necessary orders within a period of 15 days from the date of production of the document. In case, appropriate steps shall not be taken, the petitioner would be at liberty to revive the contempt petition.

3. Accordingly, the contempt petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)

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