

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No. 20499 of 2011(O&M)

Date of Decision: March 18 , 2015.

Surinder Pal Kaur

..... PETITIONER (s)

Versus

Managing Director, Punjab and Sind Bank and others

..... RESPONDENT (s)

**CORAM:- HON'BLE MR.JUSTICE HEMANT GUPTA
HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. I.P.Singh, Advocate
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reports or not?
3. Whether the judgment should be reported in the digest?

HEMANT GUPTA, J.

Claim of the petitioner in the present writ petition is for issuance of direction to respondents to release the title deeds of her property and that of her husband deposited by the petitioner as security in lieu of the housing loan availed by the petitioner and her husband.

It is averred by the petitioner that she alongwith her husband raised

a housing loan in the year 1988 and entrusted the title deeds dated 13.04.1981

and 11.03.1988 of their respective shares with the respondent-Bank as security and that the entire loan amount stands paid. The husband of petitioner also stood as guarantor for another loan availed by the son of petitioner. The said loan amount also stands settled by husband of the petitioner. The husband of petitioner was working as a Senior Branch Manager with the respondent-Bank. It is pointed out that a false criminal case has been registered against the husband of petitioner with regard to the documents of bogus bank guarantees. It is also stated that he was dismissed from service after his conviction vide order dated 06.06.2008 though the appeal against the conviction of her husband is pending consideration before this Court.

The grievance of petitioner is that once the housing loan amount stands paid, the title deeds of the petitioner and that of her husband of their ownership of the house cannot be retained by the respondent-Bank. The argument raised is, petitioner and her husband had availed housing loan jointly and the loan amount stands satisfied therefore, the bank is bound to return the title deeds in respect to the share of petitioner as also of her husband.

On behalf of the respondents, it is pointed out that a suit for recovery is pending against the Bank relating to the furnishing of forged bank guarantee in Delhi High Court and that a case was registered against the husband of petitioner as he had played a fraud with the Bank. After conviction, the husband of petitioner was dismissed from service on 16.01.2009. It has been pointed out that only after the decision of suit pending in Delhi High Court, it would be ascertained as to whether the respondent-Bank is held liable to pay the amount of bank guarantee or not. If any liability is fixed upon the

bank, then the said amount would be recoverable by the respondent-bank from the husband of the petitioner. Therefore, in these circumstances, the title deeds have not been released by the respondent-Bank.

We have heard learned counsel for the parties and find that there may be some justification for the respondent-Bank in withholding the title deeds of ownership of property of the husband of petitioner as against him, the suit for recovery in relation to his acts is pending but in respect to the petitioner, there is no suit pending and that the loan amount availed by the petitioner stands paid. Therefore, we find that withholding of title deed of the petitioner by the respondent-Bank is not justified.

Consequently, the present writ petition is allowed with a direction to the respondent-Bank to release the title deed of ownership of the petitioner forthwith.

However, the writ petition claiming release of title deeds of the husband of petitioner stands dismissed.

(HEMANT GUPTA)
JUDGE

(LISA GILL)
JUDGE

March 18, 2015.
'om'