

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of Decision: 20.02.2015

1) **LPA No. 51 of 2015**

M/s Prem Parkash Sham Lal and sons ..Appellant

versus

Punjab National Bank and another ..Respondents

2) **LPA No. 58 of 2015**

M/s Sohar Overseas ..Appellant

versus

Punjab National Bank and another ..Respondents

3) **LPA No. 59 of 2015**

Rajinder Kumar Sohar ..Appellant

versus

Punjab National Bank and another ..Respondents

4) **LPA No. 60 of 2015**

M/s Prem Parkash Sham Lal ..Appellant

versus

Punjab National Bank and another ..Respondents

**CORAM: HON'BLE MR. JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE.
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI.**

Present : Mr. S.S.Panag, Advocate, for the appellant.

S.J.VAZIFDAR A.C.J. (Oral)

The above appeals challenge the same orders passed by the learned Single Judge and are, therefore, disposed of by this common order and judgment.

2. The appellants have opened several accounts with the first respondent bank. Some of these accounts have been in operation since 2008.

We are informed that all the accounts are current accounts. The nature of the accounts does not really make a difference. The first respondent has frozen the accounts. The first respondent has done so stating *inter-alia* that some of the entries were suspicious. There are allegations of collusion between an officer of the first respondent and the appellants. The appellants contend that even if some of the entries are wrong and fictitious it is the officer of the first respondent bank who is responsible for the same.

3. It is not possible in these appeals to consider the issues raised by the appellants especially regarding the alleged fraud. The first respondent has in fact according to the appellants wrongly retained the amounts which belong to them and were entrusted to the first respondent. The first respondent in turn contends that it is entitled to exercise a banker's lien under section 172 of the Indian Contract Act, 1872.

4. We do not express any opinion as to whether the first respondent is entitled to a lien in such circumstances. Suffice it to note that the appellants must file appropriate proceedings for recovery of the amounts which according to them have been misappropriated by the first respondent. There are several disputed questions of fact regarding the validity and genuineness of the entries in the accounts. There is no warrant, therefore, to interfere with the impugned order in a writ petition.

5. The appeals are accordingly dismissed.

Needless to say the appellants are entitled to file appropriate proceedings for recovery of their alleged dues.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

(AUGUSTINE GEORGE MASIH)
JUDGE

20.02.2015
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