

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No.13614 of 2016
Date of decision: 25th July, 2016

M/s RAV Tools and Components Pvt. Ltd. and another
....Petitioners

versus

Bank of Maharashtra and another ...Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Pavan Malik, Advocate for the petitioners.

AJAY KUMAR MITTAL, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondent-Bank to release the Title Deeds of the Property i.e. G1-681, Industrial Area, Khukhera Bhiwadi, Rajasthan ad-measuring 1000 sq. mtrs. standing in the name of petitioner No.2 against receipt of balance ₹ 27 lacs in terms of permission dated 04.12.2015 (Annexure P-6). Further, a prayer has also been made to direct the respondent-Bank to consider and decide the One Time Settlement (OTS) proposal dated 20.06.2016 (Annexure P-15) on merits.

2. Learned counsel for the petitioners submitted that the petitioners had furnished title deeds in respect of three properties- mortgaged wherein two properties i.e. House No.432, Sector-22, Housing Board Colony, Faridabad measuring 221.23 sq. yards and

Plot No.34, Dabua Pali Road, NIT Faridabad measuring 2900 sq. yards are situated within the territorial jurisdiction of this Court. Learned counsel for the petitioners, relied upon judgement dated 09.08.2010 passed by Delhi High Court in case ***W.P.(C) No.8221 of 2009***, titled as ***'Indira Devi and another vs. Debt Recovery Appellate Tribunal and others'***, to urge that this Court has territorial jurisdiction to entertain the present writ petition. However, it was submitted that inadvertently, apart from the aforesaid two properties which are situated in Faridabad, the direction has been sought to release the title deed in respect of property situated in Rajasthan in the prayer clause. Therefore, learned counsel states that he may be allowed to withdraw the petition with liberty to file fresh one on the same cause of action by incorporating the aforesaid two properties situated in Faridabad and by furnishing better particulars.

3. Dismissed as withdrawn with liberty as prayed for.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

July 25, 2016
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