

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

208

**Civil Writ Petition No.20430 of 2014
Date of Decision:03.05.2016**

Bhag Singh

....petitioner

Versus

Haryana Financial Corporation and others

.....respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

Present: Mr.D.S.Patwalia, Senior Advocate with
Mr.Kannan Malik, Advocate
for the petitioner

Mr.Vishal Garg, Advocate
for respondents No.1 and 2

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

The petitioner seeks an order quashing the proceedings already adopted by the respondents under the State Financial Corporation Act, 1951 for the recovery of dues from the principal debtor and from the petitioner who is the guarantor.

There are indeed several disputes between the parties. The main dispute relates to the interest payable. Mr.Patwalia, learned senior counsel appearing on behalf of the petitioner states that as against a loan of ₹1.55 lakhs advanced in the year 1991, respondents have raised an unsustainably high claim of almost ₹ 1 crore.

There is no warrant for quashing the proceedings adopted by the respondents for recovery of the amount. Even assuming that the claim made may be too high, it is for the Court adjudicating the

claim to decide the quantum. Those proceedings cannot be challenged in a collateral proceeding even in a writ petition under Article 226 of the Constitution of India. The petition is therefore dismissed. Needless to add that all the contentions of the parties are kept open.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

May 03, 2016
neenu