

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22997-2016 (O&M)

Date of decision: 22.12.2016

M/s Guru Ashirwad Education Foundation and another

..... Petitioners

Versus

Punjab National Bank

..... Respondent

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

PRESENT: Mr. BS Chauhan, Advocate for the petitioners.

Mr. Umang K. Khosla, Advocate for the respondent-Bank.

AJAY KUMAR MITTAL, J. (ORAL)

1. The petitioners have approached this Court under Article 226 of the Constitution of India, for issuance of a writ of Prohibition restraining the respondent-Bank from taking possession of residential house of the petitioners during the pendency of S.A. before the Debts Recovery, Tribunal, Chandigarh.

2. Learned counsel for the petitioners submitted that during the pendency of the instant writ petition, the S.A. which has been filed by the petitioners before the Debts Recovery Tribunal-I, Chandigarh (for short 'the Tribunal') was dismissed in default. It was also not disputed that an application for restoration of the said S.A. is pending before the Tribunal for

3. In view above, we dispose of the present writ petition, at this stage, without expressing any opinion on the merits of the controversy by directing the Tribunal to dispose of the application for restoration filed by the petitioners on 17.01.2017 or within one month from today, in accordance with law.

**(AJAY KUMAR MITTAL)
JUDGE**

December 22, 2016
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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No