

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

**CWP No.8872 of 2016
Date of Decision : 05.05.2016.**

Pramila Devi and others

.....Petitioners

Versus

Allahabad Bank

..... Respondent

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

Present : Mr. Vishal Garg Narwana, Advocate for the petitioners.

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

The petition is not on the Board.

2. The petitioners seek restoration of the possession of the premises on the ground that they are owners of the properties. The petitioners state that the respondents-bank allegedly took possession pursuant to an order under Section 14 of The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioners have not produced any documentary evidence regarding their entitlement of the property. It would be, therefore, necessary to examine the facts from the beginning. The petitioners ought to avail the alternative remedy under the aforesaid Act. The petitioners only seek an order directing the Debt Recovery Tribunal to decide the application for interim relief, for restoration of possession of the premises.

3. The petition is disposed of by relegating the petitioners to the alternative remedy under the SARFAESI Act. Considering the nature of the

petitioners' claim, we would request the Debt Recovery Tribunal to dispose of the interim application as soon as possible. We make this request for the reason that if the petitioners are actually the owners of the premises and the premises were fraudulently mortgaged in favour of the respondent, the petitioners ought not to be kept out from the residential premises. It is agreed that the petitioners shall give advance notice of such an application to the respondent.

4. Copy of this order be furnished to learned counsel for the petitioners under the signatures of Bench Secretary.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

05.05.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE