

CWP No.12633 of 2016 (O&M)

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

CWP No.12633 of 2016 (O&M)

Date of decision: 13.01.2017

Messrs. Walia Traders Limited and others

....Petitioners

Versus

Punjab National Bank and others

....Respondents

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

Present: - Mr. Anand Chhibbar, Sr. Advocate,
with Mr. Rishi Kaushal, Advocate and
Mr. Vaibhav Sahni, Advocate, for the petitioners.
Mr. N.C. Sahni, Advocate, for respondent No.1.
Mr. R.P.S. Ahluwalia, Advocate, for respondent No.2.

AJAY KUMAR MITTAL, J. (ORAL)

CM No.71 of 2017

This application under Section 151 CPC has been moved for modification of order dated 21.12.2016.

Vide order dated 23.12.2016, petitioners were directed to deposit the instalment of ₹ 5 crores with the bank but the petitioners have not complied with the order.

No ground for modification is made out.

Dismissed.

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India has been filed for issuance of a writ in the nature of *certiorari* for quashing the proceedings initiated by respondents No.1 and 2 before the District Magistrate, Panchkula, under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement Security Interest Act, 2002 (for short 'the SARFAESI Act') whereby respondents No.1 and 2 are desirous of taking possession of the property owned by petitioner No.1 situated in Sector 3, Panchkula, including the hotel infrastructure and other assets till the currency of the Management Agreement dated 28.08.2014 (Annexure P-19).

2. It was submitted that order under Section 14 of the SARFAESI Act was passed on 16.06.2016, against which appeal under Section 17 of the SARFAESI Act has already been filed, which is pending before the DRT.

3. The order passed under Section 14 of the SARFAESI Act is sub judice before the DRT. In such circumstances, we do not find any ground to continue with the writ petition as on the same cause of action two remedies would not be available to the petitioners.

4. Dismissed.

(AJAY KUMAR MITTAL)
JUDGE

January 13, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No