

CWP No.2732 of 2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2732 of 2016 (O&M)
Date of decision: 17.02.2017

Inderjeeet Sethi

....Petitioner

Versus

Central Bank of India and others

....Respondents

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

Present: - Mr. Aalok Jagga, Advocate, for the petitioner.
Mr. C.S. Pasricha, Advocate, for respondent No.1.
Ms. Astha Dhanda, Advocate,
for Ms. Jyoti Sareen, Advocate, for respondents No.2 and 3.

AJAY KUMAR MITTAL, J.

1. This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of *mandamus* for directing the respondent-bank to discharge the properties, which belong to the petitioner (guarantor) in view of Sections 133 and 135 of the Indian Contract Act.

2. After arguing for some time, learned counsel for the petitioner submitted that he may be allowed to withdraw this writ petition as well as CM No.2243 of 2017 with liberty to approach the Debts Recovery Tribunal under the provisions of Section 17 of the **Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002** (in short 'SARFAESI Act') by raising all the pleas as raised in the present writ petition. It was further prayed that a month's time may be granted to file the appeal under Section 17 of the SARFAESI Act as the petitioner has approached this Court.

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4. Dismissed as withdrawn with aforesaid liberty. In case the appeal is filed within 30 days from today, plea of limitation shall not be raised by the bank and the appeal shall be decided on merits in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

February 17, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No