

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25834 of 2017 (O&M)

Date of Decision:- 21.11.2017.

Anupal

... Petitioner

Versus

Uco Bank and others

... Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurminder Singh Gill

Present:- Mr. Rajvir Singh, Advocate for the petitioner.

Mr. Shekhar Verma, Advocate for respondents No.1 and 2.

Mr. Manoj Bajaj, Additional Advocate General, Punjab.

Rajesh Bindal, J.

The grievance of the petitioner, who is LR of deceased Nirmal Rani, a guarantor for the loan raised by M/s S.S. Sandhu & Company, has filed the present petition on the ground that proceedings for recovery of defaulted loan were initiated against the dead person.

On 14.11.2017, this Court passed the following order:-

“Learned counsel for the Bank submitted that after the notices were received by the petitioner, who is LR of the deceased Nirmal Rani, she approached the Bank, sought concession in the loan amount, which was also granted. Part payment was also made by the petitioner. In total a sum of ₹ 8.00 lacs has been paid, but the balance amount has not been paid as per the agreement and the present petition has been filed. He further submitted that he has instructions from the Bank to withdraw the notice on the ground as alleged by the petitioner that the same had been issued to a dead person. However, in that eventuality all concessions given by the Bank to the petitioner will go and the Bank will have right to file

Original Application for recovery of the loan amount along with any action under the SARFAESI Act, 2002.

Learned counsel for the petitioner seeks a short adjournment.

Adjourned to 21.11.2017.”

Learned counsel for the petitioner submitted that the petitioner would be satisfied, in case, as per the stand taken by learned counsel for the bank, the proceedings initiated against the dead person are withdrawn and the bank proceeds further in accordance with law.

As the counsel for the bank had earlier stated to that effect, as recorded in the order dated 14.11.2017, the present petition is disposed of setting aside the proceedings initiated against deceased Nirmal Rani, however, with liberty to the bank to proceed further in accordance with law.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

21.11.2017.
pankaj

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No