

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Civil Writ Petition No.993 of 2017

Date of Decision: 20.01.2017

M/s Rajindra Enterprises

..Petitioner

versus

State Bank of Patiala and another

..Respondents

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

Present: Mr. Kehar Singh Hissowal, Advocate, for the petitioner

RAMENDRA JAIN, J.

1. The petitioner by way of instant writ petition under Articles 226/227 of the Constitution of India has sought quashing of the possession notice dated 29.11.2016 (Annexure P-2) vide which possession of his house was taken forcibly by respondent No.2 bank with the police help and was locked without giving any notice to the petitioner.

2. In nutshell, the petitioner obtained Cash Credit (CC) Limit of Rs.5 lac from the respondent bank in the month of March, 2007 and mortgaged his residential house, but did not repay even a single penny till date. Hence, vide notice dated 29.11.2016 (Annexure P-2), possession of the mortgaged house of the petitioner was taken by respondent no.2-bank, despite the alleged willingness of the petitioner vide representation dated 19.09.2016 (Annexure P-1) addressed to the Manager of the respondent bank, to repay the whole loan amount in monthly instalments of Rs.20,000/- to Rs.50,000/-.

petitioner is living in a Gurudwara and is ready to pay the whole amount in instalments.

4. After giving our thoughtful consideration to the submissions made by learned counsel for the petitioner, we find that the instant petition is completely devoid of any merit. Notice dated 29.11.2016 (Annexure P-2) shows that vide demand notice dated 01.07.2014 the petitioner was informed that a sum of Rs.13,84,850/- was repayable by him to the respondent bank. In spite of the same, the petitioner did not pay even a single penny to the respondent bank till date during this period of more than two years when the amount would have increased due to interest payable thereon. Learned counsel for the petitioner was asked to make an offer on behalf of the petitioner to repay some reasonable amount to the bank towards the loan amount to redress his grievance, but he did not do so. Thus, the petitioner does not deserve any indulgence by this court. Nothing was shown by the petitioner, whereby he could refer to material that after obtaining Cash Credit Limit of Rs.5 lac in March, 2007, certain amounts had been paid back.

5. Petition is, accordingly, dismissed.

(RAMENDRA JAIN)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

January 20,2017
ndj/VK

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No