

CM-7874-2018 in/and
CWP-10044-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-7874-2018 in/and
CWP-10044-2018 (O&M)
Date of Decision: May 24, 2018

Lekh Raj

.....Petitioner

Versus

Oriental Bank of Commerce

.....Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Bhupinder Kumar Gupta, Advocate for the petitioner.

Mr.Yogesh Putney, Advocate for the respondent-Bank.

Mr.Arvind Bansal, Advocate for the auction-purchaser.

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SURYA KANT, J.

The instant writ petition was entertained despite pendency of SA filed by the petitioner before the Debts Recovery Tribunal-II, Chandigarh (for brevity,'the Tribunal') for the reason that the Presiding Officer of the Tribunal was not available and the petitioner was seeking interim relief. This Court, thus, passed the following order on April 24, 2018:-

“It is stated that since Debts Recovery Tribunal-II,

Chandigarh has not entertained on merits the SA filed by

the petitioner so far, and the respondent-bank is going to execute the sale-deed in favour of the auction-purchaser tomorrow, hence the petitioner is left with no option but to approach this Court. It is further stated that the petitioner is ready and willing to pay the due loan amount within a reasonable period.

Notice of motion for 24.05.2018.

Process *dasti*.

Subject to the petitioner's depositing a sum of Rs.8.00 lacs by tomorrow, sale-deed of the mortgaged house be not executed.

Let a copy of this order be given *dasti* to learned counsel for the petitioner under the signatures of Bench Secretary.”

[2] CM-7874-CWP-2018 has been moved by the auction purchaser pointing out, *inter alia*, that sale certificate stood issued in his favour by the Bank on 23.03.2018, i.e. well before this Court passed the order dated April 24, 2018.

[3] Since the Presiding Officer of the Tribunal has now resumed work, the writ petition is disposed of without expressing any views on merit with a direction to the Tribunal to decide the petitioner's claim on merit and in accordance with law. The auction purchaser shall be at liberty to become party before the Tribunal. It is directed that status quo as it existed on April 24, 2018 shall be maintained till the matter is decided by the Tribunal.

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CM-7874-CWP-2018

In view of the order passed in the main case, there is no need to pass separate order in the present application as the same has become infructuous and is disposed of as such.

**(SURYA KANT)
JUDGE**

May 24, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |