

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.10532 of 2018
Date of decision : 30.07.2018

Kotak Mahindra Bank Ltd.

...Petitioners

versus

Permanent Lok Adalat, Ludhiana and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Rajesh Kumar, Advocate, for the petitioner.

RITU BAHRI J. (Oral)

Petitioners are seeking for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 18.09.2017 (Annexure P-3) passed by respondent No.1, whereby the petitioners-Bank has been directed to issued NOC regarding vehicle No.HR-38-H-3065 to the respondent No.2.

A perusal of the para-11 of the impugned order shows that as per loan agreement Ex.R2, both the principle loanee Ms.Suman Devi and guarantors are equally liable to repay the loan amount. The petitioners-Bank herein has not filed any recovery suit or proceeding to recover the loan amount against Ms.Suman Devi or other guarantors, who stood for her to repay the loan amount. Unless or until the petitioners-Bank start proceedings against Ms.Suman Devi and her other guarantors, for the separate loan availed by her, the petitioners-Bank cannot be allowed to say that they can withheld the NOC of Sh.Jaimal Singh-respondent No.2 herein. The loans granted to Sh.Jaimal Singh-applicant were totally repaid by him and it were distinct and cannot be merged with the loan taken by Ms.Suman Devi vide

separate loan agreement Ex.R2.

In view of these circumstances, petitioner-Bank is not entitled to withheld the NOC of the loans granted to Jaimal Singh-respondent No.2. As such, application of the petitioner was rightly allowed and petitioner-Bank was ordered to issue the “No Objection Certificate” to the respondent No.2 within 15 days.

So in view of the above, the orders of the Permanent Lok Adalat does not reflect any material irregularity or perversity which warranting interference. Hence the present writ petition stands dismissed.

30.07.2018
Anil

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>