

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.11307 of 2018.

Date of Decision: May 07, 2018

Surjit Kaur

.....Petitioner

versus

Punjab National Bank and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Surinder Garg, Advocate, for the petitioner.
Mr.Anandeshwar Gautam, Advocate, for
Mr.Gaurav Goel, Advocate, for respondent No.1.

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Surya Kant, J. (Oral)

Notice of motion to respondent No.1 only at this stage.

On our asking, Mr.Anandeshwar Gautam, Advocate, for
Mr.Gaurav Goel, Advocate, accepts notice on its behalf.

Let a copy of the writ petition be handed-over to him during
the course of day failing which this order shall be automatically recalled and
the writ petition shall be deemed to have been dismissed for non-
prosecution.

In view of the nature of order which we propose to pass, it is
not necessary to seek any counter-reply from respondents No.1 or to serve
respondent Nos.2 & 3 at this stage as no order prejudicial to their interest is
being passed on merits.

The petitioner has approached this Court seeking restraint order
against the bank from taking-over physical possession of the secured asset
comprising H.No.86-A (New House No.A-273), Partap Nagar, G.T. Road,

registered Sale deed dated 06.05.1991 as it was free from all encumbrances. It is alleged that though the bank started claiming that the house was mortgaged with it by the previous owner but the Bank had relinquished the charge in the year 1990, i.e, before it was purchased by the petitioner.

As may be seen, all these are disputed questions of facts. The petitioner filed a Civil Suit for declaration of her ownership but it appears that the same was dismissed in default. Now, she has applied for restoration of the suit and her application is pending. In these circumstances, we are not inclined to entertain the writ petition except to the extent that the Civil Court is directed to decide the petitioner's application for restoration of the suit, within two month from the date of receiving a certified copy of this order and thereafter, take an appropriate decision as to whether or not the petitioner deserves ad-interim injunction. For the interregnum, it is directed that *status-quo* re: physical possession of the house be maintained for three months.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 07, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

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