

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.12119 of 2018.

Date of Decision: May 14, 2018

Jagjit Kaur and another

.....Petitioners

versus

Central Bank of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Harneet Singh Oberoi, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners claim themselves to be owners of two plots, one measuring 7 marla and other measuring 13 marla, the details whereof are mentioned in para No.12 of the writ petition and which are situated within the revenue estate of Ratanpura, Phagwara. The petitioners claim that there are residential houses constructed on the sites and various families are residing there. It is alleged that both these properties are fraudulently shown to have been mortgaged by respondent Nos.2 & 3 in favour of the respondent-bank. Respondent No.3 is statedly nephew of petitioner No.1. The bank officials are alleged to have colluded with the respondent-borrowers.

We have heard learned counsel for the petitioners.

As may be seen, the writ petition raises various disputed questions of facts which cannot be determined unless the parties lead their respective evidence. The petitioners have got an efficacious alternative remedy to approach the Debts Recovery Tribunal. We thus relegate the petitioners to avail the above-stated alternative remedy.

The writ petition stands disposed of accordingly.

Meanwhile, let the auction be held but the sale be not confirmed for one month from the date of receiving a certified copy of this order.

[SURYA KANT]
JUDGE

May 14, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

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