

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12666-2018

Date of Decision: May 18, 2018

Ravinder Pal Singh Aujla and another

.....Petitioners

Versus

Bank of India and others

.....Respondents

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.M.S.Sachdev, Advocate for the petitioners.

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SURYA KANT, J.

The principal grievance of the petitioners in the instant writ petition is that they are the owners of Flat No.C-4, measuring 700 sq.ft. Situated on the 3rd floor of building No.EH-172-A, Civil Lines, Jalandhar and the said flat has been sealed by the respondents-Bank on an assumption that it is also part of the property mortgaged by borrowers-respondent Nos.3 to 6, who are, in fact, owners of Flat No.1 only.

[2] We have heard learned counsel for the petitioners. The question sought to be raised is essentially a question of fact, which can be firstly determined by the Bank authorities and/or an other adjudicating Forum on the basis of evidence/documents produced by the petitioners or the Bank. In this view of the matter, we are not inclined to entertain this writ petition at this stage and dispose of the same with liberty to the

petitioners to submit a comprehensive representation to the Bank alongwith all the relevant documents to show that the said flat is not a part of the mortgaged property or that it has been wrongly sealed. As and when the representation is made, respondent Nos.1 and 2 are directed to consider and decide the same by way of a reasoned order within a period of two weeks from the date of receipt of a certified copy of this order.

**(SURYA KANT)
JUDGE**

May 18, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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