

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CM-15733-CWP-2018 in/and
CWP-13483-2018
Decided on : 17.10.2018

Harjeet Singh

..... Petitioner

Versus

Canara Bank and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present:- Mr. Namit Gautam, Advocate
for the applicants.

Mr.R.S.Sekhon, Advocate
for the petitioner.

Mr. Gaurav Goel, Advocate
for he respondent-bank.

AVNEESH JHINGAN, J.

CM-15733-CWP-2018

Application under Order 1 Rule 10 read with Section 151 CPC has been filed for impleading Tej Kaur w/o Late Sh. Ajmer Singh, Kuldeep Singh son of Late Sh.Ajmer Singh, Ajit Pal Singh son of Late Sh. Ajmer Singh, residents of House No.349, Ekta Nagar, Village Chugiti, Jalandhar City, Tehsil & City Jalandhar, as party/respondents No.4 to 6 in the writ petition.

2. Learned counsel for the applicants submitted that he may be allowed to withdraw the present application with liberty to the applicants to take recourse to the alternative remedies as available to them, in accordance with law.

3. Dismissed as withdrawn. It shall, however, be open to the applicants to take recourse to the remedies, as may be available to them, in accordance with law.

CWP-13483-2018

The petitioner has approached this Court under Articles 226/227 of the Constitution of India seeking quashing of the impugned order dated 29.11.2017 (Annexure P-1) passed by the respondent-bank whereby the notice of possession of secured assets is issued and also for quashing of auction notice (Annexure P-2) whereby the house of the petitioner has been put for auction.

2. On 25.05.2018, notice of motion was issued subject to the petitioner's depositing a sum of ₹10 lakhs within two weeks from that date, with an undertaking to pay the entire balance loan amount along with expenses before 14.08.2018. It was on the aforesaid condition that the confirmation of auction was stayed. It was also stated in the aforesaid order that in case of default of the petitioner in making payment of first installment, the bank will be at liberty to confirm the auction and further that on the petitioner's depositing 50% of the loan amount, the bank was to return 25% auction money deposited by the auction purchaser.

3. Learned counsel for the respondent-bank submitted that the aforesaid order has not been complied with by the petitioner so far.

4. In view of the above, we find that bonafides of the petitioner is totally lacking and in such a situation, petitioner is not entitled to any discretionary relief under Articles 226/227 of the Constitution of India.

Accordingly, the present writ petition is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

17.10.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No