

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

**CWP No. 17156 of 2018
Decided on : 16.07.2018**

Rattan Trading Company

. . . Petitioner(s)

Versus

Punjab and Sindh Bank and others

. . . Respondent(s)

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

PRESENT: Mr. Parveen Chauhan, Advocate
for the petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking direction to the respondent – Bank to release the mortgaged property from any encumbrances pursuant to the loan sanctioned on 21.07.2014 (Annexure P-1) as the entire stock under the possession of the Bank has been burnt and destroyed in fire tragedy occurred on 09.12.2017, when the hypothecated stock in the shop has been taken over by the Bank and after destroying the same the Bank's charge and lien on the mortgaged property of the petitioner-firm is validly discharged. Besides above, certain other prayers have also been made.

2. After arguing for sometime, learned counsel for the petitioner submitted that as certain questions of fact are required to be established, therefore, he may be allowed to withdraw the present writ petition with liberty to approach the Civil Court or take recourse to the alternative remedies as may be available to it, in accordance with law.

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 Dismissed as withdrawn.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

**(AJAY KUMAR MITTAL)
JUDGE**

**(AVNEESH JHINGAN)
JUDGE**

July 16, 2018

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No