

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

**CWP No. 20063 of 2018
Decided on : 13.08.2018**

Mohd. Ali

. . . Petitioner(s)

Versus

Punjab National Bank

. . . Respondent(s)

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

PRESENT: Mr. N.K. Verma, Advocate, for the petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

The challenge in this writ petition filed under Articles 226/227 of the Constitution of India, is for quashing of the notice of possession dated 23rd March, 2018 (appended as Annexure P-2), issued by the respondent – Bank in respect of the mortgaged property under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the SARFAESI Act').

2. Learned counsel for the petitioner submitted that though the petitioner had been fraudulently and illegally induced for mortgaging the property, the petitioner is prepared to discharge the entire liability. On a query being put to learned counsel for the petitioner, as to whether such proposal was ever made to the respondent – Bank, it was candidly admitted that no such offer was ever made to the respondent – Bank so far.

3. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the controversy, we dispose of the present petition by permitting the petitioner to make the said offer before the respondent – Bank and also deposit the requisite amount in terms thereof.

**(AJAY KUMAR MITTAL)
JUDGE**

**(AVNEESH JHINGAN)
JUDGE**

August 13, 2018

J.Ram

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No