229 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-21281-2018
Date of decision: 14.11.2018

Mukhtiyar Singh .... Petitioner

Versus

Dena Bank & ors. .... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shubhankar Baweja, Advocate
for the petitioner.

Mr. Iqbal Mohammed, Advocate
for respondents No.1 to 3.

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Ajay Kumar Mittal, J.(Oral)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the impugned possession notice dated 25.07.2018 (Annexure P-1) issued by respondent No.4 whereby directions were issued to SHO Panipat to take physical possession of the land in question and to hand over the same to the respondent-bank.

2. Learned counsel for the petitioner submitted that in terms of order dated 24.08.2018, a sum of ₹ 30,000/- was deposited with the respondent bank. It was further submitted that thereafter another sum of ₹ 50,000/- had been paid on 05.10.2018.

3. It was not disputed by learned counsel for the parties that another sum of ₹ 44,000/- was required to be deposited by the petitioner with the respondent bank for clearance of the loan account.

4. Learned counsel for the petitioner submitted that the said

amount could not be deposited, however, it was stated that the petitioner is ready and willing to pay the said amount on or before 29.11.2018.

5. Keeping in view the peculiar facts and circumstances of the case and in view of the judgment of this Court in ***M/s A-One Mega Mart P. Ltd. vs. HDFC Bank and ors., 2013(2) ILR (Punjab & Haryana) 152***, wherein the delay in making the payment under One Time Settlement Scheme (OTS) was condoned, the present petition is disposed of with a direction that in case the amount of ₹ 44,000/-is deposited by the petitioner on or before 29.11.2018, the same shall be adjusted towards the OTS amount. However, it is clarified that in case, the petitioner fails to do the needful, it would be open to the respondent-bank to proceed further in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

14.11.2018
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking? Yes/No
Whether reportable? Yes/No