

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-16502-CWP-2017 in/and
CWP-24834-2017 (O&M)
Date of Decision: April 04, 2018

Navninder Kaur and another

.....Petitioners

Versus

The Debt Recovery Tribunal-I, Chandigarh 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.Manuj Nagrath, Advocate for the petitioners.

Mr.Ravi Kumar, Advocate for the Bank.

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SURYA KANT, J.

CM-16502-CWP-2017

Application is allowed subject to all just exceptions and
Annexure P-12 is taken on record.

CM stands disposed of.

CWP-24834-2017

The petitioners are legal heirs of late Darshan Singh, who was
statedly a guarantor for the loan availed by respondent No.4 from respondent
No.2-Punjab & Sind Bank. In the recovery suit filed by the Bank before
DRT-I, Chandigarh, the petitioners were impleaded as respondents being
legal representatives of deceased Darshan Singh. The other defendant-

respondents appears to have proceeded against *ex parte*. The Tribunal vide

impugned order directed the petitioners to disclose particulars of their properties or assets “other than properties mortgaged with the Bank” alongwith details of their bank accounts. Being aggrieved by that order, the petitioners have filed the instant writ petition.

[2] We have heard learned counsel for the parties. In the absence of any categorical finding that late Darshan Singh was a guarantor, it appears to us that the directions contained in the impugned order are uncalled for being premature. Still further, the Tribunal ought to have made efforts to identify the mortgaged or other assets of the principal-borrower, before going into details of the assets owned by the legal heirs of alleged guarantor.

[3] For the reasons aforestated, the impugned order dated 03.08.2017 passed by the Tribunal cannot sustain and the same is set aside. The Tribunal is directed to proceed further in the matter in accordance with law. Parties are directed to appear before the Tribunal on the date fixed, i.e. 30.05.2018.

[4] Disposed of.

(SURYA KANT)
JUDGE

April 04, 2018
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(SHEKHER DHAWAN)
JUDGE

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