

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.2791 of 2018.

Date of Decision: February 07, 2018

Mukul Chugh

.....Petitioner

versus

Punjab National Bank and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Lekh Raj Nandal, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The Punjab National Bank-respondent No.1 filed a Recovery Petition under Section 19 of the Recovery of Debts Due to Bank and Financial Institutes Act, 1993 against M/s H.B.Enterprises (Partnership Firm) and its partners and guarantors (other than petitioners) which was decreed by the Debts Recovery Tribunal-III, Delhi vide order dated 06.05.2015 for a sum of Rs.40,32,418.60 alongwith simple interest @30%. In execution of that order, the Recovery Officer of the bank has passed the attachment order dated 17.05.2017 whereby property No.1104, Tower ASPEN-B, Omax Spa Village, Near Faridpur Village, Tigaon Road, Faridabad, has also been attached. A perusal of the warrants of attachment reveals that it belongs to the partners and guarantors of the borrower firm and not to the petitioner.

The petitioner claims himself to be the owner of the above-stated attached property.

In our considered view, the question whether or not the above-stated apartment was hypothecated/mortgaged and whether it belongs to the