

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5725 of 2018.

Date of Decision: March 21, 2018

Sukhraj and others

.....Petitioners

versus

Canara Bank, Karnal and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Ashok Tyagi, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners are co-sharers with respondent No.4-borrower in the land fully described in para No.3 of the writ petition. A part of that land was mortgaged by respondent No.4 with the respondent-bank as a security while availing loan for the Company M/s Kamlesh Feed Mills. As the borrowers defaulted in payment of loan amount, their account was classified as NPA and mortgaged land was auctioned by the respondent-bank. The petitioners claim that their right to passage etc., being co-sharers, has been adversely affected.

Such an issue being a pure question of fact, we are of the view that the petitioners can seek redressal of their grievance by filing an appropriate petition before the Debts Recovery Tribunal. With liberty aforementioned, the writ petition is disposed of.

**[SURYA KANT]
JUDGE**

March 21, 2018

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**[SHEKHER DHAWAN]
JUDGE**

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No