

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.6423 of 2018.

Date of Decision: March 15, 2018

Smt.Sudesh Rani alias Sudesh Dhanda

.....Petitioner

versus

Allahabad Bank, Kolkata and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Randhir Singh Redhu, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The husband of the petitioner, namely, Rajesh Kumar alongwith one Jagdish son of Risala Singh are partners in a firm which runs a Motel in the name and style of M/s Motel Golden Saras, Village Masana, Tehsil Thanesar, District Kurukshetra. The outstanding loan amount against the firm is stated to be about Rs.7.50 croes. The petitioner claims that she was later on inducted as partner to the extent of 25% but without issuing any notice under Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the bank has taken measures against other two partners for recovery of the outstanding loan amount. The petitioner has also approached the Debts Recovery Tribunal challenging the said action of the respondent-bank. Since no interim stay was granted, the petitioner has filed the instant writ petition.

We have heard learned counsel for the petitioner.

It appears that if the petitioner's partnership firm has any offer to pay the amount in default so that its account can be again made regular,

let she or her partnership firm approach the bank within one week. If such a proposal is made, we direct the respondents to consider the same as per the bank's policy and inform the outcome to the petitioner or her husband in writing. In case the petitioner deposits atleast 50% of the amount in default alongwith the offer, the sale be not confirmed till the bank takes an appropriate decision on the offer.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

March 15, 2018
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[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No