

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.8593 of 2018.

Date of Decision: May 07, 2018

Ashok Kumar Chauhan and anotherPetitioners

versus

State Bank of India and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SHEKHER DHAWAN.**

Present: Mr.B.S.Bedi, Advocate, for the petitioners.
Mr.Anandeshwar Gautam, Advocate, for
Mr.Gaurav Goel, Advocate, for respondent Nos.1& 2.

-. -

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 & 2 only at this stage.

On our asking, Mr.Anandeshwar Gautam, Advocate, for
Mr.Gaurav Goel, Advocate, accepts notice on their behalf.

Let two copies of the writ petition be handed-over to him
during the course of day failing which this order shall be automatically
recalled and the writ petition shall be deemed to have been dismissed for
non-prosecution.

In view of the nature of order which we propose to pass, it is
not necessary to seek any counter-reply from respondents Nos.1 & 2 or to
serve respondent No.3 at this stage.

The petitioners acquired ownership of House No.997-A,
Sector-12-A, Panchkula through a Civil Court decree dated 23.04.2015. It
appears that the previous owner had taken loan from the respondent-bank
and mortgaged the said house. The petitioners challenged their liability to

pay the loan amount before the Debts Recovery Tribunal but pending those

proceedings, it is stated that they have paid the entire loan amount. Regardless of dismissal of their petition on the ground of delay by the Debts Recovery Tribunal, the petitioners seek a direction to the respondent-bank to release the charge on the mortgaged property, i.e., H.No.997-A, Sectort-12-A, Panchkula and to issue 'No Due Certificate' to them.

Having heard learned counsel for the parties, it appears to us that if the petitioners have paid the entire loan amount in respect of which the above-stated house was mortgaged, their request to issue 'No Due Certificate' or the release of house from that charge deserves immediate attention of the respondent-bank. The writ petition is accordingly disposed of with a direction to respondent Nos.1 & 2 to verify the claim of the petitioners and take an appropriate decision within a period of two months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 07, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

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