

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.9015 of 2018.

Date of Decision: April 17, 2018

Jeet Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Saqib Ali Khan, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner transferred ownership of his property bearing No.142-B-II-619 to 623, measuring 248 square yards, situated at Dozian Street, Nabha, District Patiala, in favour of his son by way of Transfer Deed No.5403 dated 19.03.2013. Thereafter, his son mortgaged the said property in favour of the bank while securing loan. It appears that loan account of the petitioner's son has been declared as NPA and measures under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 have been taken. The petitioner now wants to restrain the bank from taking physical possession of the mortgaged property on the ground that he has filed a petition against his son claiming maintenance under the Maintenance and Welfare of Parents & Senior Citizen Act, 2007.

In our considered view, the right of the petitioner under 2007 Act or that of the bank for securing possession of a mortgaged asset for the recovery of loan amount under 2002 Act, are two distinct and independent rights under the respective legislations without any *inter-se* dependency.

While the petitioner shall be at liberty to pursue his claim for maintenance,

no order restraining the bank from taking physical possession or not to alienate the secured assets can be passed at this stage.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

April 17, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

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