

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.9339 of 2018.

Date of Decision: April 19, 2018

Anil Kumar Malhotra and anotherPetitioners
versus
Punjab National Bank and othersRespondents

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

Present: Mr.V.K.Sachdeva, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The 1st petitioner is brother of respondent No.3-borrower whose Company availed loan facilities from respondent No.1-Punjab National Bank. The grievance of the petitioners in the instant writ petition is that his brother had mortgaged land measuring 2034.60 square yards only but the bank has now issued auction notice to sell the land measuring 2205.95 square yards which includes a part of land which falls to petitioners' share as a 'common passage'.

Since the issue raised by the petitioners is a question of fact which can be determined by the bank authorities on the basis of title deed(s) and other relevant documents, the writ petition is disposed of with a direction to respondent No.1-bank to consider and decide the objections filed by the petitioners in this regard, before confirmation of the sale.

**[SURYA KANT]
JUDGE**

April 19, 2018
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**[SHEKHER DHAWAN]
JUDGE**

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