

CM-7435-2018 in/and
CWP-9442-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-7435-2018 in/and
CWP-9442-2018 (O&M)
Date of Decision: May 24, 2018

Gokul Kumar

.....Petitioner

Versus

Central Bank of India and others

.....Respondents

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

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Vivek Goel, Advocate for
Mr.Karan Singh, Advocate for the petitioner.

Mr.Anandeshwar Gautam, Advocate for the respondent-Bank.

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SURYA KANT, J.

This writ petition has been filed by the petitioner claiming himself to be a tenant in the mortgaged property. It is claimed that the petitioner is residing in the mortgaged house there along with his family, but the Bank has taken measures to take physical possession of the said house as the borrowers failed to pay the loan amount. The aggrieved petitioner approached the DRT and no stay having been granted, the instant writ petition has been filed.

[2] When this case came up for hearing on April 19, 2018, the petitioner gave an undertaking that he will hand over the vacant premises to

the Bank after three months, hence this Court protected his possession subject to his depositing the agreed rent with the Bank for the months of April and May, 2018.

[3] The respondent-Bank has now filed application alongwith photographs, duly supported by an affidavit, pointing out that the house is lying vacant and neither the petitioner nor his family are residing there. In fact the writ petition has been filed in collusion with the borrowers and the property has been substantially damaged. It is further stated that the house has already been auctioned for ₹1.85 crore on 23.03.2018.

[4] In view of the categorical stand taken by the Bank, we do not find any merit in this writ petition, which is accordingly dismissed. However, if any article belonging to the petitioner is lying in the house, the Bank authorities may return the same without giving physical possession to the petitioner or the borrowers.

**(SURYA KANT)
JUDGE**

May 24, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes |
| 2. Whether reportable ? | No |