

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 1476 of 2019**

1. Naresh Kumar Lalwani S/o Late Shri Thawar Das Lalwani, Aged About 44 Years
  2. Rajesh Kumar Lalwani S/o Late Shri Thawar Das Lalwani, Aged About 46 Years
  3. Mukesh Kumar Lalwani, S/o Late Shri Thawar Das Lalwani, Aged About 42 Years
  4. Vinod Kumar Lalwani, S/o Late Shri Thawar Das Lalwani, Aged About 40 Years
- All are R/o Raipur Naka, Sindhi Colony, Durg, District - Durg Chhattisgarh. Pin Code – 491001. **---- Petitioners**

**Versus**

1. Union Bank Of India Through Its Authorised Officer, Union Bank Of India, Branch - Supela, Bhilai, supela Chowk , Bhilai District Durg Chhattisgarh. Pin Code - 490023.
2. Branch Manager, Union Bank Of India, Branch - Scindia Nagar, Durg Zila Panchayat Parisar, Kutchery Chowk District - Durg Chhattisgarh. Pin Code – 491002. **---- Respondents**

-----  
For Petitioner : Mr. Amrito Das, Advocate  
For Respondents : Mr. Ankit Pandey, Advocate  
-----

**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**06.05.2019**

1. Heard.
2. The grievance mainly raised in this writ petition is that the petitioners have filed an application for One Time Settlement with the respondent Bank but the same has been rejected by non speaking order dated 22.03.2019. It is contended that the brother of the petitioner namely Shri Ashok Kumar Lalwani had obtained a loan from the Union Bank for which the property was mortgaged and thereafter, he died in the year 2016.
3. It is stated that the property which was subject of mortgage was bequethed in favour of the petitioners. Subsequently with the default of

repayment of loan, when the property was being put to auction by the Bank for recovery it was subject of litigation before the DRT and eventually since the petitioners were banking upon the WILL that the property stands transferred in their favour after death of testator, they requested for One Time Settlement(OTS) and the same has not been considered.

4. On the other hand, the Bank has stated that the claim of request of the OTS with the petitioner has been rejected by order dated 22.03.2019.
5. It is not in dispute that the orders under Section 14 of the SARFAESI Act has already been issued by the District Magistrate and the physical possession has been taken. During the course of argument, again prayer was made by the petitioners that they are ready and willing to deposit some amount and their OTS may be reconsidered.
6. Taking into consideration the documents and facts situation of the case, it is directed that if the petitioners deposit Rs.25 Lakhs within a period of seven days, and files any application for One Time Settlement, the request of the petitioners may be reconsidered by the Bank. Since it has been stated that the auction of property is scheduled to be held on 08.05.2019, the auction sale shall not be finalized till the next 15 days and shall be subject to the findings to be so arrived at on the application of the petitioners for One Time Settlement.
7. With the above directions/ observations, the petition stands disposed of.

Sd/-  
**( Goutam Bhaduri )**  
Judge