

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1- CWP No. 13977 of 2019
Date of Decision: 31.10.2019

Jaswant Singh Rawat and others *Petitioners*

V/s.

Indian Overseas Bank, Mohali and others Respondents

2- CWP No. 17519 of 2019
Date of Decision: 31.10.2019

Jaswinder Singh Dhaliwal and others *Petitioners*

V/s.

Indian Overseas Bank, Mohali and others Respondents

3- CWP No. 18584 of 2019
Date of Decision: 31.10.2019

Harbhagwan Singh and others *Petitioners*

V/s.

Indian Overseas Bank, Mohali and others Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.
HON'BLE MR. JUSTICE SUVIR SEHGAL.

Present:- Mr. Vivek Singla, Advocate
for the petitioners in all three writ petitions.

Mr. C.S. Pasricha, Advocate
for respondent no.1.

None for respondent no.2.

RAKESH KUMAR JAIN, J. (Oral)

This order shall dispose of three writ petitions bearing CWP No. 13977 of 2019 Jaswant Singh Rawat and others v/s Indian Overseas Bank, Mohali and others, CWP No. 17519 of 2019 Jaswinder Singh Dhaliwal and others v/s Indian Overseas Bank, Mohali and others and CWP No. 18584 of 2019 Harbhagwan Singh and others v/s Indian Overseas Bank, Mohali and others as common question of law and facts are involved therein. However, the facts are being extracted from CWP No. 13977 of 2019.

The petitioners are the owners of the flats constructed by respondent no.2 on the land mortgaged with respondent no.1.

The respondent no.1 filed an O.A. before the Debts Recovery Tribunal-III, Chandigarh for recovery of the loan amount which has been decreed and the recovery officer has passed the order of attachment of the entire property i.e. land and the flats constructed over it.

Notice issued to respondent no.2 has been received back unserved for want of correct address. However, learned counsel for respondent no.1 has submitted that the petitioners may, if so advised, approach the Recovery Officer by filing their objections against the decree and till such time the objections are decided by the Recovery Officer, respondent no.1 will not take any coercive steps to dispossess the petitioners. However, the petitioners may be bound down to file the application/objections and the recovery officer may decide the same within the prescribed time.

Learned counsel for the petitioners has not raised any objection to the suggestions put forth by learned counsel for respondent no.1.

In view of the above, these writ petitions are disposed of with liberty to the petitioners to file their objections before the Recovery Officer, who had passed the order of attachment, taking all the pleas which are taken in these petitions and the Recovery Officer is directed to decide the same by passing a speaking order. The petitioners should submit their objections within three weeks from today and if any objections are filed, the Recovery Officer is directed to decide the same within a period of six weeks thereafter, by passing a speaking order after giving opportunity of hearing to the petitioners as well as to respondent no.1.

Till such time, the objections are decided in one way or the other, the respondents shall not take any coercive steps to dispossess the petitioners from the property in question.

At this stage, learned counsel for the petitioners has submitted that the order of stay may be extended for at least two weeks after the passing of the order by the Recovery Officer so that they may avail their remedy in accordance with law. The request of the petitioners is accepted and it is ordered that if any adverse order is passed by the Recovery Officer, then the order of stay shall continue for two weeks so that they may avail the remedy in accordance with law.

A photocopy of this order be placed on the connected case.

(RAKESH KUMAR JAIN)
JUDGE

October 31, 2019
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(SUVIR SEHGAL)
JUDGE

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