

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29358-2018

Date of decision : 31.10.2019

Rajinder Kumar Jaidka

.... Petitioner

Versus

Canara Bank

.... Respondent

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

Present: Mr. Aakash Singla, Advocate
for the petitioner.

Mr. Rakesh Gupta, Advocate
for the respondent-bank.

RAKESH KUMAR JAIN, J (ORAL)

Although, it has been recorded in the order dated 14.10.2019 that IA No. 1677 of 2016 filed by the petitioner in OA No.4079 of 2017, before the DRT-III, Chandigarh, has not been decided, but he has now made a prayer in the writ petition for setting aside/modifying the interim order dated 25.04.2016 (Annexure P-11) passed by the DRT-II, Chandigarh, by which ex-parte interim stay has been granted to the respondent-bank, restraining the petitioner to operate his locker No.32. The petitioner has also sought permission to operate the said locker and for preparing the inventory and sale of the valuables, enabling him to generate the resources to discharge the liability of loan amount, so that the OA filed by the respondent-bank may automatically become infructuous.

Rakesh Gupta, appearing on behalf of the respondent-bank has submitted that he has the instructions to concede that they had no

objection, if the order dated 25.04.2016 (Annexure P-11) passed by the DRT is set aside, locker No.32 allotted to the petitioner is operated by the bank in the presence of the petitioner and the Local Commissioner appointed by the DRT and after the inventory is prepared, the petitioner is permitted to approach the DRT for the sale of the valuables to pay of the debts of the bank.

Counsel for the petitioner is satisfied with the submission made by the counsel for the respondent-bank.

Accordingly, the writ petition is hereby allowed and order dated 25.04.2016 (Annexure P-11) passed by the DRT-II, Chandigarh is set aside.

The respondent-bank is permitted to operate the locker No.32 of the petitioner in his presence and the Local Commissioner. During the said process, an inventory of the valuables shall be prepared and the petitioner is granted liberty to approach the DRT for seeking permission to sell the valuables to enable him to discharge the liabilities.

On the joint request of counsel for the parties, we also direct the DRT, who is seized of the OA filed by the respondent-bank to decide the same as early as possible, preferably within a period of three months from today.

(RAKESH KUMAR JAIN)
JUDGE

(SUVIR SEHGAL)
JUDGE

31.10.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No