

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

212

CWP No.30959 of 2018 (O&M)

Date of Decision: 27.09.2019

PNB Housing Finance Limited

.....Petitioner

Versus

District Magistrate, Gurugram and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Harsh Chopra, Advocate
for the applicant/petitioner
(CM-13053-CWP-2019 and CM-14590-CWP-2019).

Ms. Kirti Singh, D.A.G., Haryana.

Mr. S.K. Daaria, Advocate
for applicant/respondents No.3 and 4
(CM-10416-CWP-2019).

None for respondent No.5.

RAKESH KUMAR JAIN, J. (ORAL)

CM-13053-CWP-2019

Counsel for the applicant/petitioner has submitted that this application has become infructuous.

Dismissed as infructuous.

CM-14590-CWP-2019

This application is filed by the applicant/petitioner to place on record the Annexures P-6 to P-8 (Colly.).

Counsel for the non-applicant/respondents No.3 and 4, present in Court, has submitted that he has no objection.

Accordingly, the application is allowed and Annexures P-6 to P-8 (Colly.) are taken on record.

CM-10416-CWP-2019

This application is filed by respondents No.3 and 4 to place on record the document as Annexure R/3/4/1.

Counsel for the non-applicant/petitioner has submitted that he has no objection.

Accordingly, the application is allowed and the document is taken on record as Annexure R/3/4/1.

Main Case

Counsel for respondents No.3 and 4 has undertaken to pay the entire dues of the petitioner Bank within a period of two months from today provided the possession of the mortgaged property (C-1/2926, Sushant Lok-I, Gurugram) is not taken during this period. He has also submitted that the petitioner may be directed to return the GPAs of two shops as well.

Counsel for the petitioner has submitted that the GPAs of the two shops will be returned to respondents No.3 and 4 within a week but at the same time it is submitted that in case the entire amount is not paid as undertaken, then the petitioner may be permitted to take possession of the mortgaged property.

In view of the aforesaid facts and circumstances, the present petition is hereby disposed of with an understanding/undertaking of respondents No.3 and 4 that they would pay the entire dues of the Bank within a period of two months counted from today and in the interregnum the Bank shall not take any coercive steps for taking possession of the secured assets and shall also hand over the GPAs of two shops which are in their possession. At the same time, it is also

made clear that in case the amount is not paid as undertaken today by respondents No.3 and 4, the petitioner would be at liberty to take possession of the secured assets in accordance with law and the District Magistrate, Gurugram is directed to assist the petitioner to take possession of the secured assets immediately.

(RAKESH KUMAR JAIN)
JUDGE

27.09.2019		(ARUN KUMAR TYAGI)
Vinay		JUDGE
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No