

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

RA-CW No. 93 of 2020 in
CWP No. 4318 of 2020

Date of decision: 9.12.2020

Sunidhi Sharma and another .. Applicants/Petitioners
vs
Authorised Officer and another .. Respondents

**Coram: Hon'ble Mr. Justice Jaswant Singh
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present Mr. Sanjeev Pandit, Advocate, for the applicants-petitioners.

Jaswant Singh, J.

The applicants-petitioners by way of the instant Review Application are seeking review of the operative portion of the order dated 17.2.2020, whereby the permission was granted to withdraw the writ petition with liberty to the petitioners to pursue the matter before the Senior Civil Judge, Court No. 1, Una (Himachal Pardesh).

The petitioners are third party as they were neither the borrowers nor the guarantors. The grievance of the applicants-petitioners is that inspite of the fact that the properties owned by the petitioners and the possession established in the concluded proceedings, the respondent-bank has proceeded to attach the land owned and possessed by the applicants-petitioners for recovery of the outstanding dues *qua* the co-sharers/ principal borrowers.

In view of the fact that petitioner no.2 having not filed any suit before the trial Court, the claim raised in the instant application is for substitution of the aforesaid part by permitting the applicants-petitioners to seek their remedy before the appropriate forum, in accordance with law.

The prayer of the applicants-petitioners is reasonable and hence accepted. Accordingly, the present application is allowed and the order dated 17.2.2020 is modified to the extent that the applicants-petitioners are permitted to pursue their remedies before the appropriate forum, in accordance with law.

(Jaswant Singh)
Judge

9.12.2020
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No