

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

CWP No. 10354 of 2021

Date of decision : 28.6.2021

Saroj Bala and another

.... Petitioners

versus

Karnataka Bank Limited and another

... Respondents

**Coram: Hon'ble Mr. Justice Jaswant Singh
Hon'ble Mr. Justice Rajesh Bhardwaj**

Present Mr. Vivek Singla, Advocate, for the petitioners.

[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.]

Jaswant Singh, J. (Oral)

Prayer of the petitioners- Saroj Bala, a collateral and Ajay Kumar, ex-partner of M/s Mahaluxmi Overseas, in the present writ petition is for quashing order dated 16.2.2021 (**Annexure P-10**) and letter dated 17.3.2021 (**Annexure P-11**), whereby they have been put in the category of willful defaulters by the respondent- Karnataka Bank Limited on the grounds of siphoning off funds, not repaying the outstanding loan amounts despite capacity to pay as also disposing off hypothecated property without permission, though the petitioners having submitted documents pertaining to another property; as also for directing the release of the mortgaged residential building situated in Village Bhapra, Abadi Shashtri Nagar, Near Ganga Sarvjai, MC Limit Samalkha, mortgaged at the time of grant of loan to the partnership firm.

After arguing for sometime and having failed to convince the Court and further realizing that the remedy of appeal before the Review Committee for identification of willful defaulters as per the Master Circular is available; coupled with the fact that qua the second prayer for release of the mortgaged property in view of alternative property having been submitted, a civil suit already stands filed by the petitioners, learned counsel for the petitioners prays for permission to withdraw the writ petition with liberty to seek their remedy before the Review Committee qua the first and second prayer in the light of suit already filed by the petitioners, which is pending consideration.

Dismissed as withdrawn with aforesaid liberty.

(Jaswant Singh)
Judge

28.6.2021
vs

(Rajesh Bhardwaj)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable	Yes/No