

COCN No. 2456 of 2021.

Date of Decision: 10.11.2021.

Simmi Singla

.....Petitioner

Versus

Paras Beer

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Mr. Naveen Batra, Advocate,
for the petitioner.**MAHABIR SINGH SINDHU. J.**

Present contempt petition has been filed for disobeying the orders dated 28.04.2021, 20.08.2021 and 23.09.2021 (P-1 to P-3 respectively) whereby general directions were issued by the Division Bench of this Court due to Covid-19 against making recoveries in case of housing loan.

Concededly, petitioner has already approached the Debt Recovery Tribunal-III, Chandigarh for redressal of his grievance against the possession notice issued by the respondent-Bank and reference in this regard can be made to paragraph No.3 of the petition which reads as under:-

“It is submitted that it is alleged by the Bank due to some default in installments the account was wrongly declared as NPA and subsequently as per the allegations in the impugned notice, the bank had issued 13(2) notice dated 24.04.2021. Thereafter, a possession notice has also been issued by the respondent bank which is already challenged by the petitioner by filing Securitization Application before Ld. Debt Recovery Tribunal-III, Chandigarh.”

Since petitioner has already taken recourse to the alternative efficacious remedy before the Tribunal; therefore, in the opinion of this Court, no ground is made out to initiate contempt proceedings against the respondent.

In view of the above, there is no option except to dismiss the present petition.

Ordered accordingly.

However, dismissal of the present petition shall not be treated as a bar to the petitioner for raising the plea, if any, before learned Tribunal on the basis of above orders passed by the Division Bench.

10.11.2021.

SN

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No