

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CR No.666 of 2022(O&M)
Date of decision:28.02.2022

Smt. Shivali

...Petitioner

Versus

Smt. Suman

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Jain, Advocate, for the petitioner.

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The defendant in a suit for recovery of Rs.16,77,000/- along with the future interest, calls in question the correctness of the order passed by the Appellate Authority restraining her from alienating her half share in House No.209-RL, Model Town, Rewari, unless she deposits the principal amount of Rs,14,00,000/- with the trial Court in the form of FDR.

The plaintiff has filed a suit for recovery on the ground that the defendant (petitioner herein) has borrowed the aforesaid amount which was transferred by way of the bank transaction and the petitioner has already acknowledged its payment by executing an affidavit. It is also not in dispute that since the amount due to the bank, has already been deposited, therefore, the proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, initiated at the behest of the Bank shall be deemed to have come to an end.

The learned counsel representing the petitioner contends that the Court has practically decreed the suit while directing the petitioner to

deposit Rs.14,00,000/-. He further submits that the petitioner is an owner of the various other properties therefore, the amount, if any payable, is secure.

On careful reading of the order passed by the Additional District Judge, Rewari, it is evident that the direction to deposit the principal amount of Rs.14,00,000/- is in the alternative. The primary order is to restrain the defendant from alienating her half share in House No.209-RL, Model Town, Rewari.

Moreover, if the petitioner is an owner of various other properties, she can file an application for substituting the property in order to secure the interest of the plaintiff.

In view thereof, no ground to interfere with the impugned order, is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

February 28, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No