

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

**COCP-2880-2016 (O&M)
Date of decision: 01.02.2023**

Rajesh Arora

...Petitioner

Versus

Urvashi Sharma and anr.

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harkirat S. Jagdev, Advocate for
Mr. Alok Jagga, Advocate
for the petitioner.

Mr. I.P. Singh, Advocate
for the respondents.

Mr. Ajit Singh Natt, AAG, Punjab.

ARVIND SINGH SANGWAN, J.

The petitioner alleges violation of the settlement/order of Lok Adalat, Ludhiana dated 13.08.2016, vide which by recording statement of official of Central Bank of India as well as petitioner Rajesh Arora, being proprietor of M/s AAR ESS Enterprises, the dispute was settled.

As per the settlement, the petitioner stated that he will pay the amount of Rs.9.66 lacs in installments of Rs.25,000/- per month starting from

February, 2017, failing which the bank will be at liberty to take action against him and before February, 2017, the bank will not take any action against him. Similar is the statement of bank.

Learned counsel for the petitioner submits that mortgaged property was sold in violation of the aforesaid undertaking given by the bank as well as order of the Lok Adalat, Ludhiana.

Learned counsel for the respondents-Bank has, however, submitted that the petitioner was not owner of the property, which was sold by the Bank, as it was a mortgaged property in the name of wife of the petitioner, namely Sonia Arora. It is further submitted that after passing of the order by the Lok Adalat, vide request letter dated 20.08.2016, Sonia Arora stated that she is owner of the mortgaged property and has no objection, if the same is sold. Similar is the statement made on 14.10.2016 that the property be sold. It is also submitted that since petitioner Rajesh Arora was not owner of the property and Sonia Arora was not a party before the Lok Adalat and has never recorded statement before the Court to this effect, the mortgaged property was sold in accordance with law and later on, the balance amount was paid by the petitioner and account stands closed.

Learned counsel for the respondents-Bank has next submitted that even the auction proceedings on the similar grounds were challenged before the DRT by filing an application and the same was dismissed vide order dated 24.01.2018.

In reply, learned counsel for the petitioner has submitted that

there was a matrimonial dispute between petitioner Rajesh Arora and his wife Sonia Arora, that is why she has given consent to the respondents-Bank for sale of the property.

After hearing learned counsel for the parties, I find that there is no willful disobedience of the order passed by the Lok Adalat dated 13.08.2016.

Accordingly, present contempt petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

01.02.2023
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No