

CWP-1489-2023
Date of Decision: 20.03.2023

Santosh Rani and others

.....Petitioners

Vs.

HDFC Bank Ltd. and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Jagraj Singh, Advocate, for
Mr. Lupil Gupta, Advocate, for the petitioners.

G.S.SANDHAWALIA, J. (ORAL)

The writ petition has been filed for restraining respondent Nos. 3 and 4 from alienating the mortgated property and also to direct the respondents-Bank to take possession of the mortgaged property of the said respondents.

A perusal of the paper-book would go on to show that the petitioners have already availed of their remedy by filing a civil suit and an interim order dated 28.09.2022 (Annexure P-5) was also passed.

In such circumstances, we are of the considered opinion that the petitioners have already availed of their remedy and cannot be permitted to take recourse to two remedies at the same point of time.

Accordingly, the petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

March 20, 2023

(HARPREET KAUR JEEWAN)

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JUDGE

Whether Speaking

Yes

Whether Reportable

No