

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.119

CWP-7221-2023

Date of decision: 29.05.2023

Vaijanti Devi

....Petitioner

Versus

State Bank of India

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Gaurav Singla, Advocate, for the petitioner.

Mr. Gaurav Goel, Advocate, for the respondent.

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DEEPAK SIBAL, J. (Oral)

1. Through the present petition filed under Articles 226/227 of the Constitution of India, the petitioners seek issuance of a writ in the nature of certiorari for setting aside the notices dated 31.12.2022 and 24.03.2023 through which the respondent-Bank seeks to take possession of the properties mortgaged by the petitioner in lieu of default in payment of loan/over draft facilities availed of by the petitioner.

2. On 11.05.2023, this Court had passed the following order:-

“Learned counsel states that the petitioner could not prepare the demand draft for Rs.6 lakhs in favour of respondent – bank in terms of order dated 13.04.2023 due to paucity of funds but now the petitioner has got prepared a demand draft bearing No.025060 dated 10.05.2023 for Rs.5 lakhs and has brought the same in court today along with Rs.1 lakh in cash and that in the circumstances, the same may be permitted to be handed over to learned counsel for the respondent-bank.

Learned counsel for respondent-bank on the other hand states that he has no objection to the petitioner making deposit of Rs.6 lakhs in the manner aforesaid but prays that the petitioner be directed to deposit Rs.6 Lakhs

in the manner aforesaid in the concerned bank branch itself.

Faced with the aforementioned submission, learned counsel for the petitioner prays for some time to enable needful to be done.

Adjourned to 29.05.2023.

In the meantime, petitioner is granted liberty to deposit the demand draft bearing No.025060 dated 10.05.2023 for Rs.5 lakhs issued by HDFC Bank in favour of respondent-bank along with Rs.1 lakh in cash/draft in the concerned branch of SBI at Hodal on or before 16.05.2023 by 05:00 p.m.

In the eventuality of deposit of Rs.6 lakhs by the petitioner with the concerned bank branch in the manner as stipulated above, status quo be maintained till the next date of hearing.”

3. It is not disputed that in terms of the offer made by the petitioner and its acceptance by the respondent-Bank, the petitioner has deposited Rs.6 lakhs towards full and final settlement of all dues.
4. Learned counsel appearing for the respondent-Bank also states that the petitioner's loan account shall now be closed.
5. Dismissed as infructuous.

(DEEPAK SIBAL)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

May 29, 2023
Jyoti 1

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