

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 9885 of 2023(O&M)

Date of Decision:04.07.2023

Surjit Kaur through LRs

.....Petitioners

Versus

**The Authorized Officer/Chief Manager, Punjab National Bank, Secured
Creditor, Circle Sastra Centre, Ludhiana and others**

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Himanshu Sharma, Advocate
for the respondent-Bank.

LISA GILL, J(Oral).

1. Prayer in this writ petition is for quashing notice dated 13.03.2023, Annexure P-2, issued by respondent no.1 under Section 13(4) of the Securitization and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') as well as notice dated 28.01.2019, Annexure P-3, issued under Section 13(2) of the SARFAESI Act, by respondent no.1.

2. It is contended that Surjit Kaur, mother of the petitioners had availed loan of ₹2,00,000/- from the Bank through respondent no.6-Munish Kumar. Surjit Kaur died on 12.08.2020 and it is claimed that no notice under Section 13 (2) of the SARFAESI Act was ever received by her. It is only now that legal representatives of Surjit Kaur came to know that respondent no.6 in a fraudulent manner has taken an amount much more than ₹2,00,000/- and the documents regarding the sole residential house of Surjit

Kaur (now her LR's) were misused by the private respondents while depicting Surjit Kaur as guarantor for the loan without her knowledge. Property of persons taking loan i.e., Sushma Rani and Joginder Pal also stands mortgaged with the respondent-Bank, which can very well be put to auction to realize the amount. Petitioners, it is submitted have also approached the authorities for initiating criminal proceedings against respondents no. 4 to 6.

3. Learned counsel for the respondent-Bank, at this stage, submits that notice dated 09.01.2018 was in-fact issued to guarantor-Surjit Kaur as well. Moreover, the auction in this case, it is submitted has failed on 19.06.2023.

4. In view of the fact that petitioners have an alternate efficacious remedy, learned counsel for the petitioners seeks to withdraw this writ petition, at this stage, with liberty to the petitioners to avail the remedy/remedies as may be available to them in accordance with law.

5. Writ petition is accordingly dismissed as withdrawn with liberty aforesaid. It is clarified that there is no expression of opinion on the merits of the matter.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

July 04, 2023.

s.khan

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