

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

**CWP-15227-2023(O&M)
Date of Decision: 12.12.2023**

Pooja Mittal Petitioner

Versus

Punjab National Bank and others Respondents

**CORAM : HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Pankaj Gupta, Advocate for the petitioner.

Mr.Gaurav Goel, Advocate for the respondent-bank.

LISA GILL, J.(Oral)

1. Prayer in this writ petition is for quashing ex parte judgment dated 30.01.2019 (Anexure P-11) passed by Debts Recovery Tribunal-II, Chandigarh ('the Tribunal for short) in OA No. 2141 of 2017 and Recovery Certificate No.221 of 2019 of even date, qua the petitioner. Further prayer is for setting aside order dated 15.05.2023 (Annexure P-17) passed by the Tribunal, vide which application filed by petitioner for setting aside judgment and Recovery Certificate as referred to above, has been dismissed.

2. It is submitted that petitioner's liability was limited to mortgaged property and she was not personally liable for the debt. However, learned DRT-II, Chandigarh vide order dated 30.01.2019 has held her personally liable and recovery certificate has also been issued.

2. Learned counsel for the respondent-bank submits that as per communication dated 28.11.2023 received by him, petitioner is not personally liable in this matter as her guarantee was limited to the mortgaged property which admittedly stands sold in proceedings undertaken under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act'). Therefore, no liability on part of the petitioner survives as on date and no proceedings/action will be undertaken against the petitioner pursuant to order dated 30.01.2019 and Recovery Certificate of even date.

3. In view of the specific and categorical stand of respondent-bank set forth before us, no further orders are called for in this writ petition which is accordingly disposed of.

4. It is always open to the parties to file appropriate application for modification of order dated 30.01.2019 and Recovery Certificate in view of fact and circumstance as above.

5. Pending miscellaneous applications, if any, stand disposed of accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

12.12.2023
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Whether Reasoned/Speaking : Yes/No
Whether Reportable : Yes/No