

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

106

2023:PHHC:046008-DB

CWP No. 20753 of 2022
Date of Decision: 28.03.2023

Gurlal Singh

.....Petitioner(s)

Versus

Axis Bank and others

....Respondent(s)

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

Present: Ms. Vertika Gupta, Advocate,
for Mr. Lupil Gupta, Advocate,
for the petitioner.

Mr. Deepak Jain, Advocate,
for respondent No.1.

G.S.SANDHAWALIA, J. (Oral)

Prayer made in the present writ petition filed under Articles 226 and 227 of the Constitution of India is for restraining respondent No.3 from alienating the mortgaged property and also to direct the respondent No.2-Bank to take possession of the mortgaged property so as to avoid third party interest.

The claim arises out of the fact that the petitioner is stated to the guarantor, which status as such he is denying on the fact that he never executed the loan documents as relied upon by the bank. It is not disputed that he has been arrayed as respondent No.2 in OA-7102-2021 before the Debt Recovery Tribunal which has been filed by the respondent-Bank to secure its interests and to recover the amount in which the principal borrower is defendant No.1 namely Ranjit Singh (respondent No.3 herein).

In such circumstances, once the Tribunal is already seized of the issue and the petitioner has also filed his written statement which he has appended, we are of the considered opinion that it is always open to him to agitate for the said claim before the Tribunal and it would not be appropriate to open another front of litigation.

Accordingly, the writ petition stands disposed of with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

28.03.2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No