

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

114

2023:PHHC:127180-DB
CWP-21872-2023
Date of Decision: 29.09.2023

M/s. R.K. Overseas and others

.....Petitioner(s)

Versus

Punjab National Bank and others

....Respondent(s)

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

Present: Mr. O.P. Kamboj, Advocate, for the petitioners.

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

G.S.SANDHAWALIA, J. (Oral)

1. The bank has already preferred Original Application No.24 of 2020 for recovery of the amount which is pending before the Debt Recovery Tribunal-I. Since the challenge is to the possession notices issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the 2002 Act') and the subsequent order dated 17.12.2019 passed by the District Magistrate, Ferozepur under Section 14 of the 2002 Act (Annexure P-4) and the consequential proceedings, we are not inclined to exercise our extra ordinary writ jurisdiction keeping in view the fact that there is an alternative remedy available. The observations made by the Apex Court in *M/s. South Indian Bank Ltd. And others vs. Naveen Mathew Philip and another, 2023 (2) RCR (Civil) 771* fortify our view.

2. Faced with this situation, counsel submits that he may be permitted to approach the Tribunal for the necessary relief.

3. Ordered accordingly.

(G.S. SANDHAWALIA)
JUDGE

29.09.2023

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Whether reasoned/speaking

Whether reportable

(HARPREET KAUR JEEWAN)
JUDGE

Yes

No