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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13677-2024

Date of Decision: 30.05.2024

Dinesh Tuli

..... Petitioner

Versus

Union Bank of India and others

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Sachin Mittal, Advocate
for the petitioner.

Mr. Akaant Kumar Mittal, Advocate
for respondent-Bank.

LISA GILL, J.(oral)

1. Prayer in this writ petition is for setting aside notice dated 08.05.2024 issued by respondent No. 2 under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act').

2. Learned counsel for petitioner submits that property in question had been purchased by petitioner vide registered sale deed dated 18.01.2022. It is submitted that property in question was owned by one Radha Rani and property devolved upon her son Kamal Kant vide transfer deed and a Will. Then Kamal Kant transferred it in favour of his wife Suman Arora, who further transferred the property to Vipin Kumar s/o Subhash Chand who is the vendor of present petitioner. Learned counsel submits that petitioner is in possession of original title deeds of property.

Sale notice, Annexure P-5, has been peculiarly issued to one Kamal Ahuja

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and Suman Ahuja. Furthermore, boundaries of the properties as depicted in the notice issued by the bank are different from the one in original transfer deed and sale deed in favour of petitioner. All these facts were brought to the notice of respondent-Bank.

3. Learned counsel for respondent-Union Bank of India submits that on receipt of information as above from the petitioner on 17.05.2024, auction was not conducted and proceedings have been put on hold till the matter is properly inquired into.

4. Keeping in view the above, this writ petition is rendered infructuous and is disposed of accordingly with liberty to petitioner to avail statutory remedy(ies) available to him in accordance with law, in case any further action is taken by respondent-Bank under SARFAESI Act.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

30.05.2024*lalit*

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