



CWP-32742-2025

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

CWP-32742-2025

Date of decision : 18.11.2025

Jitender Kumar

.....Petitioner

Versus

Punjab National Bank and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Preetwinder Singh, Advocate, for the petitioner.

Mr. Gaurav Goel, Advocate, for respondents No.1 to 3.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This is second round of litigation by the petitioner – borrower, after exhausting the earlier one in the shape of CWP-24619-2025, which was disposed of by this Court vide order dated 28.08.2025 (Annexure P-9), declining interference and relegating the petitioner – borrower to file representation against notice issued u/s 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, ‘SARFAESI Act’), which was challenged in said CWP.

2. The petitioner – borrower has re-visited this Court by way of this petition against rejection of his representation dated 02.09.2025 (Annexure P-10) vide communication dated 16.09.2025 (Annexure P-11).

3. Learned counsel for the petitioner – borrower alleges fraud against the respondent – bank by submitting that the petitioner had not signed the papers regarding release of the secured asset and entire action of the respondent – bank can be categorized as ‘fraud’.

4. The Apex Court in **Mardia Chemicals Ltd. and others Vs. Union of India and others,** reported in (2004) 4 SCC 311, followed by a recent decision rendered in **Central Bank of India and another Vs. Smt. Prabha Jain and others, (Civil Appeal No. 1876 of 2016, decided on 09.01.2025),** has left a window open for the borrower to approach the Civil Court even in SARFAESI matters, in case allegation of fraud is made out against the bank, where the bar u/s 34 of SARFAESI Act would not come in way of the petitioner – borrower.
5. Learned counsel for the respondent – bank, appearing on advance notice, informs that notice u/s 13 (4) of SARFAESI Act has since been issued on 16.10.2025, which can very well be challenged before DRT. It is also informed that application u/s 14 of SARFAESI Act has also been filed before the concerned District Magistrate on 07.11.2025.
6. In view of above, the petitioner – borrower has alternative efficacious statutory remedy of approaching DRT u/s 17 of SARFAESI Act, or before Civil Court. Accordingly, this Court declines interference.
7. Accordingly, petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

November 18, 2025
narotam

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