CGHC010431892026 2026:CGHC:46689

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5547 of 2026

SUNITA GOSWAMI
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1 - Ms. Tavishi Bansal Daughter Of Late Anil Bansal Aged About 20 Years Resident Of 1078/1, Kadambari Nagar, Near Shyam Mandir, Ward No. 17, Durg, Distirct- Durg (C.G.)

... Petitioner(s)

versus

1 - Bank Of Baroda, Padmanabhpur Branch, Patel Complex-Padmanabhpur, District Durg C.G. - 491001 Through Its Authorized Officer.

... Respondent(s)

(Cause-title taken from the Case Information System)

For Petitioner : Mr. B.P.Sharma, Advocate appears along with Mr. Nikhil Parikh, Advocate

For Respondent : Mr. Vinod Deshmukh, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad
Order On Board

04.11.2026

1. The present writ petition under Article 226 of the Constitution of India has been filed by the petitioner assailing and challenging the legality, validity and propriety of the demand notice dated 09.07.2026 issued by the respondent-Bank under Section 13(2) of the SARFAESI Act, 2002, and the consequential rejection of objections dated 14.09.2026, Possession Notice dated

21.09.2026 and Sale Notice dated 01.10.2026, whereby the respondent-Bank has proceeded to enforce the financial liabilities of Late Shri Anil Bansal against the petitioner merely on account of her being his daughter and legal heir, virtually fastening upon her a purported pious obligation to discharge the debts of her deceased father, despite the fact that she is neither a borrower nor a guarantor and has never undertaken any independent contractual liability towards the respondent-Bank.

2. Following reliefs have been prayed by way of this petition:-

> *"10.1. That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction in the nature of Certiorari, quashing and setting aside the impugned demand notice dated 09.07.2026 (ANNEXURE P-4), issued by the respondent-Bank under Section 13(2) of the SARFAESI Act, 2002, insofar as it seeks to fasten personal liability upon the petitioner merely on account of her being the daughter and legal heir of Late Shri Anil Bansal.*
>
> *10.2. That, this Hon'ble Court may kindly be pleased to declare that the petitioner, being neither a borrower nor a guarantor and having never executed any independent contractual undertaking in favour of the respondent-Bank, cannot be made personally liable for repayment of the debts incurred by her deceased father merely on the basis of the doctrine of pious obligation or her status as his legal heir.*
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> *10.3. That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction quashing*

and setting aside the consequential Possession Notice dated 21.09.2026 (ANNEXURE P-9) and Sale Notice dated 01.10.2026 (ANNEXURE P-10), insofar as the said proceedings are founded upon or seek to enforce an alleged independent personal liability of the petitioner, without ascertaining the nature and extent of the estate, if any, inherited by her.

10.4. That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction restraining the respondent-Bank from proceeding with the proposed auction scheduled for 06.11.2026, insofar as it concerns any property or interest claimed to have devolved upon the petitioner from her deceased father, until the legality of the impugned proceedings, the nature of the security interest and the extent of the petitioner's ability, if any, are examined in accordance with law.

10.5. That this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction to the respondent-Bank to produce the relevant loan agreements, guarantee deeds, mortgage documents, property-wise valuation reports and records pertaining to the alleged outstanding liability, so as to ascertain the precise nature and extent of the financial obligations sought to be enforced against the petitioner.

10.6. That, this Hon'ble Court may kindly be pleased to grant any other relief or reliefs, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, including the cost of the petition, in the interest of justice.

3. Learned counsel for the petitioner submits the concerned Bank has issued notice dated 01.10.2026 (Annexure P-10) to the petitioner for auction of the property in dispute, which has been secured with the Bank by the father of the petitioner, who subsequently died and due to which, the petitioner and the other persons are facing great hardship as the Company has been failed. He submits that the petitioner and the other persons involved in the said Company are ready to settle the dispute and deposit the loan amount by way of one time settlement, however, for that they have to sell the property which has been mortgaged with the Bank and unless and until such permission is granted, they are not able to sell the property and deposit the amount in question and as such, he has filed this petition for the reliefs claimed in the petition.

4. Learned counsel for the respondent-Bank opposes the same stating that the matter can not be adjudicated by this Court and it can only be adjudicated by the concerned Debt Recovery Tribunal (for short ‘the DRT’) in an appropriate securitization application and if the petitioner is having any grievance, he may approach before the concerned DRT in accordance with law by filing an appropriate securitization application.

5. I have heard learned counsel appearing for the parties and having considered the aspect as argued by the learned counsel for the petitioner stating that the property which has been mortgaged is

worth more than Rs.34,00,00,000/- (Rupees Thirty Four Crores), whereas, the loan amount is for about Rs.31,00,00,000/- (Rupees Thirty One Crores).

6. The argument of the learned counsel for the petitioner to this aspect that if they will be allowed for one time settlement, the loan amount of the Bank would be repaid and the circumstance can only come when a permission is granted by this Court to the concerned Bank to release the property for sell purpose with certain conditions so that the property may be sold and the amount of loan may be deposited by the petitioner.

7. The question which has been raised before this Court and the argument advanced can not be entertained and it can only be entertained by the concerned DRT. However, the grounds raised by the petitioner are reasonable grounds, which can be very well considered by the concerned DRT. Since there is efficacious remedy available to the petitioner before the DRT, as such, this Court is of the opinion that this petition cannot be entertained. However, considering this aspect that the Debts Recovery Tribunal, Jabalpur is not functioning properly and at present, the charge of Debts Recovery Tribunal, Jabalpur is being taken over by the Debts Recovery Tribunal, Ahmedabad and further since there is ongoing Deepawali Holidays, considering the aforesaid aspect of the matter, the petitioner is directed to approach before the Debts Recovery Tribunal, Jabalpur within a period of 30 days

from today and in turn, the Bank authorities are directed not to take any coercive steps in respect of the notice dated 01.10.2026 (Annexure P-10) for a period of 30 days. However, it is only to the extent of father of the petitioner, namely, Anil Bansal and the property which has been mortgaged by late Anil Bansali is land bearing Khasra No.866 admeasuring 0.23 hectare.

8. It is made clear that after 30 days, this order shall loose its efficacy.

9. The petitioner may approach before the concerned Debts Recovery Tribunal, Jabalpur immediately and raise all the grounds which have been raised before this Court.

10. With the above observation/directions, this petition stands finally disposed of.

11. No order as to costs. Sd/-

(Amitendra Kishore Prasad)
Judge

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