

CM-5082-CWP-2026 in/and  
CWP-13417-2022(O&M)

2026.PHHC:053085-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CM-5082-CWP-2026 in/and  
CWP-13417-2022(O&M)  
Date of decision:-07.04.2026

Krishan Kanta and another

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL  
HON' BLE MR. JUSTICE VIKAS SURI**

Present :- Mr. B.S. Bajwa, Advocate and  
Mr. Manthan Pathania, Advocate  
for the petitioners.

Mr. A.S. Khara, Sr. DAG, Punjab.

Mr. R.S. Bhatia, Advocate  
for respondent No.3 (THROUGH V.C.)

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**SUVIR SEHGAL, J.(ORAL)**

1. Counsel for the petitioners states that they are *bona fide* purchasers of the secured asset from Radhey Soni etc., who have allegedly committed a fraud with the bank. Counsel submits that Radhey



Soni registered a DDR on 25.01.2021, alleging that original title deeds of the property had been lost. Acting in good faith, petitioners entered into a registered sale deed for the purchase of the land. Counsel submits that petitioners have approached this Court when they came to know that physical possession of the property is being taken over by the bank after an order under Section 14 of the Sarfaesi Act, 2002 had been passed.

2. When confronted with the availability of an alternate remedy under the Sarfaesi Act, in all fairness, counsel for the petitioners seeks permission to withdraw the writ petition to avail the same. He states that as possession of the property was to be taken by the bank on 10.06.2022 and petitioners had approached this Court within one week thereof, limitation period for approaching the DRT may be extended.

3. There is substance in the submission made by the counsel for the petitioners. While permitting the petitioners to withdraw the writ petition to take recourse to the alternate remedy, it is observed that petitioners shall be entitled to take the benefit of Section 14 of the Limitation Act, 1963 before the DRT by moving an appropriate application.

4. At this stage, counsel for the petitioners points out that by order dated 17.06.2022, this Court had given an opportunity to the borrower – respondent No.4 to clear the outstanding dues, but as is evident from the miscellaneous application moved by the bank, borrower has not repaid the amount. By inviting the attention of this Court to order dated 17.06.2022, counsel asserts that as borrower had



defrauded the bank, criminal proceedings should be initiated against him.

5. On a specific query, State counsel is not able to apprise the Court as to whether any criminal action has been taken against the borrower.

6. While permitting the petitioners to withdraw the present petition with liberty as aforesaid, it is directed that, in case any fraud has been committed by respondent No.4, official respondents shall be at liberty to initiate appropriate criminal proceedings against him.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

(SUVIR SEHGAL)  
JUDGE

(VIKAS SURI)  
JUDGE

07.04.2026  
Brij

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No