



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-14357-2026

Date of Decision: 12.05.2026

Jagdish Kaur Kundi

....Petitioner

Versus

Bank of Baroda and others

....Respondents

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

Present: Ms. Anuradha Gupta, Advocate for the petitioner.

Ms. Rahish Pahwa, Advocate for respondent No.1 – Bank.

SUVIR SEHGAL, J. (ORAL)

1. Present writ petition has been filed *inter alia* seeking the following reliefs:

- “1. Civil Writ Petition under Articles 226/227 of the Constitution of India seeking issuance of a writ of Mandamus directing respondent No.2 to decide and disposed of MA No.43 of 2022 in MA No.70 of 2019 arising out of OA No.1728 of 2017 (Old OA No.166 of 2015) (Annexure P-6) in a time bound and expeditious manner, in the interest of justice.
2. Further, it is respectfully prayed that direction be issued to respondent No.1 to duly consider the representation (Annexure P-8) submitted by the petitioner and pass a reasoned and speaking order for dropping the petitioner from the array of guarantors, in light of the Bank's own FIR (Annexure P-1) and the findings of the competent criminal court in judgment dated 23.07.2024 (Annexure P-2) establishing impersonation and fraud committed by respondents No.5 and 6 in the interest of justice.”



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2. Counsel for the petitioner submits that petitioner was proceeded against *ex parte* in an Original Application filed by respondent No.1-Bank before Debts Recovery Tribunal (DRT) which culminated in passing of order dated 29.06.2017, Annexure P-3, whereby a recovery certificate was ordered to be issued. Counsel states that petitioner filed an application MA No.70 of 2019 for setting aside *ex parte* order, which was dismissed in default on 15.09.2022, Annexure P-5. Counsel points out that MA No.43 of 2022 was filed for restoration of previous application, which is pending. Counsel has taken the Court through various interim orders passed by the DRT and submits that despite lapse of four years, application has not been decided.

3. Insofar as the second prayer is concerned, counsel for the petitioner states that petitioner never stood as a guarantor for the credit facility extended by the bank to respondent No.4. Counsel has made reference to judgment dated 23.07.2024, Annexure P-2, passed by the Trial Court in FIR No.61 dated 13.05.2013 lodged for various offence under the IPC at Police Station City Phagwara, District Kapurthala. Counsel asserts that petitioner has requested the bank to delete her name from the array of guarantors and for withdrawal of the recovery proceedings.

4. Advance copy of the petition has been served upon respondent No.1 – Bank.

5. Ms. Rahish Pahwa, Advocate puts in appearance on behalf of respondent No.1 – Bank and has hotly contested the writ petition.

6. We have heard counsel for the parties and considered their submissions.

7. A perusal of the interim orders passed by the DRT shows that



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application for restoration filed by the petitioner is pending and is being repeatedly adjourned on one ground or the other. This Court is of the view that application has to be decided expeditiously.

8. Insofar as the petitioner's second prayer is concerned, this Court does not find any reason to direct respondent No.1-Bank to decide the representation. The plea of the petitioner that she never stood as a guarantor is a stand, which she has to take before the DRT, where proceedings were pending, however, she was proceeded against *ex parte*. In case, the *ex parte* order is set aside, it will be open to the petitioner to take all the pleas before the DRT.

9. As a result of the factual position noticed above, writ petition is disposed of with a direction to the Debts Recovery Tribunal-III, Chandigarh, to decide the application MA No.43 of 2022 as expeditiously as possible preferably within a period of four months from the date of communication of a copy of this order.

(SUVIR SEHGAL)
JUDGE

(VIKAS SURI)
JUDGE

May 12, 2026

Varinder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No