

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

Sr. No.102

CWP No.7275 of 2020 (O&M)

Date of Decision : 30.03.2020

M/s Saubhagya Traders and another

..... Petitioners

Versus

Canara Bank and another

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE HARNARESH SINGH GILL**

Present : Mr. Bhushan Bhatia, Advocate
for the petitioners.

AJAY TEWARI, J. (ORAL)

1. This petition has been filed challenging the action of the respondent-Canara Bank from acting upon notices dated 18.02.2020 and 25.02.2020 issued to the petitioners and for quashing the auction pursuant thereto.

2. The facts are that the petitioner No.1 which is the sole proprietorship concern of the petitioner No.2 had obtained a Cash Credit Limit of Rs.32 Lakh and Term Loan of Rs.3 Lakh in the year 2016 from the respondent bank and in lieu thereof had inter-alia mortgaged residential house of the petitioner No.2. However, by the impugned notices the bank has recalled the loan and sought to auction the said property.

3. We find from the record that from 01.01.2019 till today the

petitioners had deposited only a sum of Rs.1,53,000/- towards servicing of that Cash Credit Limit and Term Loan. We put it to the learned counsel as to why the petitioners did not make any deposit beyond this amount and he has argued that this was because the respondent-bank had suddenly started charging excessive interest. Even though this explanation hardly cuts any ice yet we asked the learned counsel that in case the petitioners deposit a sum of Rs.7 Lakh within one or two days, the Court could consider granting some relief and the learned counsel sought time to talk to his client. After 5 minutes the matter was taken up again but the learned counsel stated that the petitioners would be able to pay only a sum of Rs.2 Lakh by tomorrow and would deposit a further sum of Rs.5 Lakh within three weeks.

4. In our opinion, no relief can be granted to the petitioners. The conduct of the petitioners reveals that they are just seeking time and are not serious about making the due payments to the respondent-bank. Even though there is a dispute regarding interest nothing was stopping the petitioners from depositing money at what, as per them was the interest rate.

5. Consequently, the petition is dismissed.

6. Since the main case has been decided, the pending C.M. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

March 30, 2020
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Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No