
(2021) 02 P&H CK 0341

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 12482 Of 2020 (O&M)

Nidhi Mittal

APPELLANT

Vs

Punjab National Bank And Others

RESPONDENT

Date of Decision : 26-02-2021

Acts Referred:

Citation : (2021) 02 P&H CK 0341

Hon'ble Judges : Jaswant Singh, J; Sant Parkash, J

Bench : Single Bench

Advocate : Bhupinder Ghai, Arvind Rajotia

Final Decision : Disposed Of

Judgement

Jaswant Singh, J

CM No. 3011-CWP of 2021 is allowed and photo copy of demand drafts, Annexures P-10 and P-11, are taken on record.

Main case

Petitioner -Nidhi Mittal is one of the partners in a partnership firm under the name and style of M/s Hari Agro Industry, situated at Ismailabad, District

Kurukshetra.

The undisputed fact is that the said partnership firm had availed loan/ cash credit facilities from the Punjab National Bank, Branch Ismailabad, by way

of four accounts i.e. Cash Credit, two term loans and one bank guarantee, which had been declared NPA due to non adherence to the financial

discipline. The bank had secured the aforesaid four loans by mortgage of (i) House measuring 358.80 square yards, Plot No. 462, Sector- 9, Urban

Estate (HUDA), Ambala City; (ii) agricultural land measuring 48 kanals, situated at Village Ismailabad; and (iii) building, plant, machinery and stocks

of goods.

It transpires that petitioner â?" Nidhi Mittal had also in her own capacity raised a housing loan of Rs. 30 lacs and also availed Over Draft Limit of Rs.

Â 7.5 lacs around the same time. The said two accounts of the petitioner were declared NPA on 30.9.2018. It is the conceded case of the parties that

the aforesaid residential house was also mortgaged for securing the said two personal loans obtained by petitioner â?" Nidhi Mittal.

By filing the instant petition, the petitioner is seeking a direction for liquidating the said two accounts and release of lien QUA the residential house.

Upon notice, reply by way of affidavit dated 22.12.2020 of Naresh Kumar Bheem, Senior Manager, Punjab National Bank, CircleSastra Centre,

Kurukshetra, has been filed. Para 5 of the affidavit reads as under:-

â??5. That the petitioner failed to do the needful in compliance of order dated 21.08.2020. It is submitted that even as on date approximately Rs. 5.42

Lakh is due against the Housing Loan and Rs. 1.63 Lakh is due against the OD Limit. Further total amount of Rs. 4.61 Crore is due against the

account of M/s Hari Agro Industries.â??

At the time of resumed hearing, it is a conceded case of both the parties that both the accounts-Housing loan and OD Limit availed by the petitioner

â?" Nidhi Mittal in her personal capacity have since been liquidated as the entire amount has been paid.

Accordingly, the charge of the residential house to the aforesaid two accounts would stand discharged. However, the charge QUA the liabilities of the

partnership firm â?" M/s Hari Agro Industries would continue.

Learned counsel for the parties are agreed that nothing more survives for adjudication in the present petition. Accordingly, the present petition is

disposed of as infructuous.