



CWP-730-2025

1

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

(139)

CWP-730-2025

Date of Decision : 14.01.2025

Sunil Kumar and another

...Petitioners

Versus

M/S Kotak Mahindra Bank Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Surender Lamba, Advocate
for the petitioners.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, a prayer is made for issuance of a writ in the nature of mandamus directing the respondent to cancel the auction of the commercial vehicle bearing No.HR-66B-1989, put on auction by the respondent vide advertisement dated 10.08.2024 (Annexure P-7).
2. It is not in dispute that the sole Arbitrator has passed an award in an arbitration proceedings and the execution petition, so preferred by the respondent No.1 stands withdrawn, on account of the statement suffered by the petitioners, to the effect, that the petitioners are ready and willing to make the entire payment, along with the interest. However, the petitioners have failed to pay the award amount, which led to issuance of auction.
3. The instant petition is a misconceived motion, inasmuch as, despite the petitioners being seized of an alternate and efficacious statutory remedy for redressal of their grievance, and without approaching the learned Executing Court concerned, by making an offer to deposit the award amount, yet they have sidetracked the said remedy, and have straightway accessed this



CWP-730-2025

2

Court, through instituting the instant writ petition.

4. In such circumstances, this Court refrains from exercising its power, as envisaged under Article 226/227 of the Constitution of India. Accordingly, the instant petition is **dismissed**.

5. However, liberty is reserved to the petitioners to seek recourse to the alternative available statutory remedy(ies), before the learned Executing Court concerned, at the first instance, for the relief, as sought in the instant petition.

(KULDEEP TIWARI)
JUDGE

January 14, 2025
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No