

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) No. 2117/2025

Zahid Sharief Dar

...Petitioner(s)/Appellant(s).

Through: Mr. M. Amin Bhat, Advocate.

Vs.

**J&K Bank Ltd Th. Its
Chairman and Others.**

...Respondent(s)

Through: Mr. Shafakat Nazir, Advocate for R1 to R3.

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.

ORDER

30.08.2025

1. Mr. Shafakat Nazir, Advocate, appears and accepts notice in the matter for Respondents 1 to 3.
2. Through the medium of the instant petition filed under Article 226 of the Constitution of India, the petitioner has sought the issuance of writs in the nature of mandamus and prohibition to the effect that respondents be commanded to grant the extension of time in his favour for liquidation of the outstanding loan amount as per the OTS and restrained to proceed with the attachment of mortgaged property and the sale thereof.
3. The case of the petitioner in nutshell is that he has taken loan amount from the respondent No. 3 for running of his business unit under the name and style of M/S Dar Traders situated at Jamia Kadeem Sopore. That his business was running smoothly and he was paying the due premium towards the bank as settled. That the pandemic of Covid-19 which struck the entire world in the year 2020 resulted in a total standstill of his business. That the

Government imposed lockdowns and strictly prohibited any activity to prevent the spread of the disease which hampered all the businesses which were otherwise successfully running.

That his business unit also got closed due to the lockdowns imposed by the Government authorities and he was unable to deposit the premium amount towards the respondent No. 3. That in the year 2021, his residential house was gutted into the fire due to which his business unit became totally unable to run. That due to the Covid pandemic and the fire incident, he became the defaulter towards the respondent No. 3 in respect of the loan amount.

That respondents thereafter initiated the proceedings under the SARFAESI Act. That he, after knowing about the initiation of the said proceedings by the respondent-Bank, approached the latter and submitted to them that a lenient view be taken in his case as he was prevented from dealing with his loan amount smoothly on account of the intervening pandemic and the loss of his residential house in the fire. That the respondent-Bank suggested him to avail the Bank's OTS Scheme, to which he agreed. That the settlement of the loan amount got delayed as he has to sell out some of his property to materialize the settlement of the loan amount but the respondent-Bank is not extending time for the same.

4. Heard the learned counsel for the parties on admission.

5. Having regard to the case of the petitioner and the relief sought, this Court is of the opinion that the instant matter can be disposed of even at this threshold stage by passing of such directions which will not prejudice the rights and interests of the respondent-Bank.

6. Accordingly, the instant petition is disposed of with the direction to the respondents 1 to 3 to consider the grievance of petitioner as projected in this petition strictly as per the law governing the field.

7. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR:

30.08.2025

"Shahid Manzoor"

