

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

WP(C) 2089/2024 CM(5595/2024)
c/w i)WP(C) 2093/2024

M/S HINDUSTAN METAL PRODUCTS ... Petitioner/Appellant(s)

Through: None

Vs.

JAMMU AND KASHMIR BANK LIMITED AND ...Respondent(s)
ORS.

Through: Mr. Waseem Gul, GA for 3 & 4
Mr. Iman Abdul Muizz, Advocate vice
Mr. Tasaduq H. Khawja, Advocate for 1 & 2

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDE R
28.07.2025

WP (C) No. 2089/2024

1. Impugned in this petition filed under Article 226 of the Constitution of India is an order dated 15th April, 2024, passed by the Chief Judicial Magistrate, Srinagar, under Section 14 of the SARFAESI Act, 2002, without specifically challenging the order issued under Section 13 (2) of the Act.
2. That apart, vide order dated 23rd October, 2024, this Court, while granting time to the respondents to file objections, stayed the proceedings under the SARFAESI Act, subject to deposit of 50% of the amount due to the Bank within a period of four weeks.
3. The order was not complied with and, therefore, vide order dated 29.04.2025, the Bank was asked to go ahead with the recovery of the amount by proceedings against the secured assets.
4. Today, when the case was called, nobody turned up to appear for the petitioner. It seems that the petitioner, having failed to comply with the order of this Court, is left with no cause to pursue this petition.

5. Otherwise also, a challenge to the notice under Section 14 of the SARFAESI Act, 2002, would not lie unless the notice under Section 13 (2) is also challenged.
6. Having taken an overall view of the matter, we are of the considered opinion that the petitioner has no case to maintain this petition and, for this reason, has chosen not to appear.
7. **Dismissed** for non-prosecution.

WP (C) No. 2093/2024

8. Impugned in this petition filed under Article 226 of the Constitution of India is an order dated 15th April, 2024, passed by the Chief Judicial Magistrate, Srinagar, under Section 14 of the SARFAESI Act, 2002, without specifically challenging the order issued under Section 13 (2) of the Act.
9. That apart, vide order dated 23rd October, 2024, this Court, while granting time to the respondents to file objections, stayed the proceedings under the SARFAESI Act, subject to deposit of 50% of the amount due to the Bank within a period of four weeks.
10. The order was not complied with and, therefore, vide order dated 29.04.2025, the Bank was asked to go ahead with the recovery of the amount by proceedings against the secured assets.
11. Today, when the case was called, nobody turned up to appear for the petitioner. It seems that the petitioner, having failed to comply with the order of this Court, is left with no cause to pursue this petition.
12. Otherwise also, a challenge to the notice under Section 14 of the SARFAESI Act, 2002, would not lie unless the notice under Section 13 (2) is also challenged.
13. Having taken an overall view of the matter, we are of the considered opinion that the petitioner has no case to maintain this petition and, for this reason, has chosen not to appear.
14. **Dismissed** for non-prosecution.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR: