

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

**CWP No. 12131 of 2015**  
**Date of decision : June 3, 2015**

**Dilbagh Singh**

**..... Petitioner**

**Versus**

**State of Punjab and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER AND  
HON'BLE MR. JUSTICE AMIT RAWAL**

**Present:- Mr. Lalit Pathak, Advocate  
for the petitioner.**

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1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

**Mahesh Grover, J (oral).**

The petitioner impugns the order dated 28.9.2013 (Annexure P-2) which was issued to him in the year 2013 seeking to enforce the recovery on account of debt for which the father of the petitioner has given guarantee. He contends that father of petitioner is no more and thus the proceedings initiated against him as a legal representative would be illegal.

On due consideration, we are of the opinion that the petitioner has an alternative remedy of filing an appeal under Section 17 of the SARFAESI Act, 2002. He may avail such a remedy along with other ancillary reliefs, such as stay of proceedings and his dispossession. In case he do so and makes a prayer of dispossession, the same shall be considered by the appellate

authority (DRT) in the first instance as expeditiously as possible but not later than one week from the date of moving of such application.

The writ petition stands disposed of.

**(MAHESH GROVER)**  
**JUDGE**

**(AMIT RAWAL)**  
**JUDGE**

**June 3, 2015**  
**archana**