

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

CWP No.11928 OF 2016
DATE OF DECISION : 20th JUNE, 2016

Inderjot Singh

.... Petitioner

Versus

Debt Recovery Tribunal-II, Chandigarh & others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

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Present : Mr. Harsh Garg, Advocate for the petitioner.

Mr. Ashok Kumar, Advocate for respondent No.2.

Mr. Rohit Suri, Advocate for respondent No.4.

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M. JEYAPPAUL, J. (ORAL)

Mr. Ashok Kumar, Advocate has filed Vakalatnama as well as reply on behalf of respondent No.2.

Mr. Rohit Suri, Advocate has filed Vakalatnama for respondent No.4. He informs the Court that respondents No.7 and 8 had already passed away.

Considering the nature of relief, we have proposed to grant to the petitioner, it is our considered view that no notice need to be issued to other respondents.

Heard the submissions made on either side.

Notice dated 17.12.2013 issued under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 refers to the fact that a sum of

₹5446128.57 with interest @ 13% along with 2% per annum penal interest w.e.f. 01.12.2013 was due and payable.

Counsel for the writ petitioner submits that he has already paid a sum of ₹30.25 lacs towards the above loan account but, of course, the counsel appearing for the second respondent brings to the notice of this Court that the writ petitioner has in fact paid only a sum of about ₹29.77 lacs. The property of one of the guarantors, namely Late Ajmer Singh, whose legal representatives are respondents No.6 and 8, was also brought for auction by the second respondent, but the confirmation of auction has been stayed by the Debt Recovery Tribunal at the instance of respondents No.6 to 8.

Now the counsel appearing for writ petitioner seeks a limited prayer that the appeals preferred not only by the writ petitioner herein but also by the respondents No.6 to 8 be directed to be disposed of by respondent No.1 and till then the auction proposed to be conducted on 29.06.2016 be deferred.

Considering the fact that the appellant has already paid substantial amount towards the debt incurred by respondent No.3 and that the property of one of the guarantors was already sold and confirmation of sale alone is to be done, we find that there is some substance in the limited prayer made by the writ petitioner.

In view thereof, we direct the Debt Recovery Tribunal-II, Chandigarh to dispose of the SA No.380 of 2015 and SA No.347 of 2014 pending on its file within one month from the date of this order. Till then we direct the auction proposed to be held on 29.06.2016 be deferred.

With the above directions the writ petition stands disposed
of.

Order be communicated today itself to the first respondent.

20th June, 2016
‘raj’

(M. JEYAPPAUL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE