

CWP No.17611 of 2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17611 of 2016 (O&M)
Date of decision: 21.04.2017

Smt. Seema Rani

....Petitioner

Versus

Bank of India

....Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Aalok Jagga, Advocate, for the petitioner.
Mr. R.V. Mehra, Advocate, for the respondent.
Mr. Parvez Chugh, Advocate, for the auction-purchaser.

AJAY KUMAR MITTAL, J. (ORAL)

Petitioner has approached this Court under Articles 226/227 of the Constitution of India seeking quashing of demand notice dated 27.11.2015 (Annexure P-6) and sale notice dated 07.08.2016 (Annexure P-7) issued under Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and Rule 8(6) of the Security Interest (Enforcement) Rules, 2002. A prayer has also been made for permitting the petitioner to redeem the residential house by issuance of sale certificate.

2. It was pointed out that the property in dispute was auctioned for ₹51 lakhs. The petitioner had paid the aforesaid amount of ₹ 51 lakhs and had also paid the amount of ₹ 2.82 lakhs as interest to the auction-purchaser, which was duly accepted by learned counsel for the auction-purchaser.

3. In view of above, it was stated that the dispute in the writ petition

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has been rendered infructuous. Learned counsel for the petitioner prays that he may be allowed to withdraw this petition.

4. Dismissed as withdrawn.

5. Before parting with the order, it may be noticed that on March 16, 2017, learned counsel for the bank was directed to produce the original title deeds in respect of the said property and also to bring a demand draft in name of the auction-purchaser for an amount of ₹ 51 lakhs. In compliance of the said order, learned counsel for the bank has produced the original title deeds in Court today, which have been duly handed over to learned counsel for the petitioner. However, learned counsel for the auction-purchaser pointed out that the amount of ₹ 51 lakhs has not been paid by the bank so far. Learned counsel for the bank has assured that auction-purchaser may appear before the bank authorities on 25.04.2017 and there the said amount shall be released to the auction-purchaser by way of demand draft on the said date.

6. In view of withdrawal of main petition, CM No.117-CWP-2017 has become infructuous and the same is disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

April 21, 2017
R.S.

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No