

CM-11920-CWP-2017 in/and
CWP-18721-2017 (O&M)

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-11920-CWP-2017 in/and
CWP-18721-2017 (O&M)
Date of Decision: August 31, 2017

Mohinder Singh and another

.....Petitioners

Versus

HDFC Bank and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.P.S.Miglani, Advocate
for the petitioner.

Mr.R.M.Suri, Advocate for the respondents-Bank.

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SURYA KANT, J.

CM-11920-CWP-2017

Application is allowed subject to all just exceptions. Annexures

P/8 and P/9 are taken on record.

CM stands disposed of.

CWP-18721-2017

Learned counsel for the respondents-Bank states that since the order passed by Debts Recovery Appellate Tribunal, Delhi, in Misc.Appeal No.60/16 (**Vikram Bakshi vs HDFC etc.**) has been stayed by the Hon'ble Delhi High Court and this Court otherwise has held that proceedings before

DRT are maintainable as soon as the notice under Section 13(4) of the

SARFAESI Act, 2002 is issued, he has no objection if the impugned order passed by DRT-III, Chandigarh, dated 05.04.2017 (Annexure P-5) is set aside and the case is remitted to DRT-III to decide the SA on merits.

[2] Ordered accordingly.

[3] The impugned order dated 05.04.2017 is set aside and DRT-III, Chandigarh is directed to decide the SA filed by the petitioners on merits and in accordance with law.

[4] Parties are directed to appear before DRT-III, Chandigarh on 18.09.2017.

[5] Disposed of.

**(SURYA KANT)
JUDGE**

August 31, 2017
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**(SUDHIR MITTAL)
JUDGE**

1.	Whether speaking/reasoned ?	Yes/No
2.	Whether reportable ?	Yes/No