

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25807 of 2017 (O&M)
Date of Decision:- 28.11.2017.

Narinder Chaudhary

... Petitioner

Versus

The Debt Recovery Tribunal-III, Chandigarh and others

... Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurminder Singh Gill

Present:- Mr. Sanish Girdhar, Advocate for the petitioner.

Mr. N.C. Sahni, Advocate for respondents No.2 and 3.

Rajesh Bindal, J.

The petitioner has approached this Court impugning the order dated 22.3.2017 passed by the Debts Recovery Tribunal-III, Chandigarh (for short 'the Tribunal'), whereby the Securitisation Application (SA) No.133 of 2017 filed by him was dismissed as premature noticing that the possession of the mortgaged property has not been taken by the bank.

Learned counsel for respondents No.2 and 3 submitted that the fact recorded by the Tribunal is wrong as the possession of the property was taken and the same had even been sold. He submitted that infact now the prayer made in the present petition has become infructuous.

After hearing learned counsel for the parties, however, without opining anything on the question sought to be raised, once it is not in dispute that the SA filed by the petitioner was dismissed on a wrong premise recording that possession of the property has not been taken, hence, the SA

was premature, whereas, admittedly the possession of the property was taken prior to the passing of the impugned order, order dated 22.3.2017 passed by the Tribunal deserves to be set aside.

Ordered accordingly.

The matter is remitted back to the Tribunal to be considered on merits. The parties are directed to appear before the Tribunal on 18.12.2017.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

28.11.2017.
pankaj

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No