

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

**CWP No. 2808 of 2017
Decided on : 15.02.2017**

Rajinder Kaur

... Petitioner

Versus

Debt Recovery Tribunal-I, Chandigarh and others

... Respondents

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

PRESENT: Mr. V.K. Sachdeva, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner through the present writ petition filed under Articles 226/227 of the Constitution of India, is seeking quashing of impugned orders dated 17.12.2016 and 09.01.2017 (appended as Annexure P-1 & P-2, respectively), vide which, the Debt Recovery Tribunal-I, Chandigarh, has dismissed the applications filed by the petitioner viz. stay and set aside the auction sale of the residential house, though the petitioner is a senior citizen and the respondent Bank sold the said property in favour of respondent No.5, who is one of its own officer, even without serving of 30 days mandatory advance notice in complete violation of the mandatory provisions of Rule 8(6) and Rule 9(1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act').

2. It was not disputed by the learned counsel for the petitioner that the orders impugned herein i.e. Annexure P-1 & P-2 are appealable orders under Section 18 of the the Act, before the Debts Recovery Appellate Tribunal.

3. Faced with this situation, learned counsel for the petitioner submitted that he may be allowed to withdraw the present writ petition with liberty to the petitioner to approach the Debts Recovery Appellate Tribunal under Section 18 of the Act.

4. Dismissed as withdrawn. It shall, however, be open to the petitioner to take recourse to the remedies as may be available to her, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

February 15, 2017

J.Ram

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No