

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

CWP No.10300 of 2018
Date of decision :31.7.2018

Ravi Kumar and another

..... Petitioners

VERSUS

ARMS, A Division of Asset Reconstruction Company (India)
Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Vivek Goyal, Advocate for the petitioners.
Mr.Vaibhav Narang, Advocate for respondent No.1.

AJAY KUMAR MITTAL, J.

1. A challenge is made to the order dated 16.3.2018, Annexures P.5 and P6 whereby Debt Recovery Tribunal DRT-III, Chandigarh dismissed the applications filed by the petitioners on the premise that the appeal is maintainable in case the actual physical possession is taken by the secured creditor and the borrower losses the same. A further challenge is made to the notices dated 21.4.2016, Annexure P.2 and 8.5.2017, Annexure P.4 issued by the respondent authorities for taking over the physical possession of the mortgaged properties.

2. Learned counsel for the petitioners submitted that during the pendency of the writ petition the final settlement of account No.10070096079 has taken place. A photocopy of the

letter issued by the Asset Reconstruction Company (India) Limited filed in Court is taken on record. On the aforesaid premises, it was urged that the writ petition has been rendered infructuous and prayer was made to dispose of as such.

3. The writ petition is disposed of as infructuous.

(AJAY KUMAR MITTAL)
JUDGE

July 31, 2018
KD

(AVNEESH JHINGAN)
JUDGE

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes / No