

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

CWP-11966-2018

Date of Decision: May 11, 2018

Prabhjot Kaur	Versus	Petitioner
State of Punjab and others		Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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| 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.Rahul Sharma, Advocate for the petitioner.

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SURYA KANT, J.

The principal contention of the petitioner in the instant case is that Notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the SARFAESI Act') has not been duly served on all the borrowers and as a result thereto, they have been deprived of their valuable right to submit objections. It is urged that Section 13(3A) of the SARFAESI Act is the only effective right given to a borrower to make representation or raise any objection.

[2] In our considered view such a plea can effectively be taken by the affected borrowers before the DRT. With a view to enable the borrowers to approach the DRT to raise all the issues, it is directed that status quo re: physical possession of the house shall be maintained till 30.06.2018.

[3] Disposed of.

**(SURYA KANT)
JUDGE**

May 11, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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