

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

CWP-15744-2018

Decided on: 28.11.2018

Dr. Aarti Kaushal

.... Petitioner

Versus

Corporation Bank and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. H.P.S. Rahi, Advocate for
Mr. R.S. Randhawa, Advocate
for the petitioner.

Mr. Ajay Singla, Advocate
for the respondents.

AJAY KUMAR MITTAL, J (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the Auction Notice dated 18.06.2018 (Annexure P-4).

2. Learned counsel for the respondent-Bank submits that the petitioner is paying the installments regularly and, therefore, no action is contemplated by the bank for taking possession or any other proceedings under Securitisation and Reconstruction of Financial Assets Act and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act') as at present. It was stated that in view thereof, this writ petition is rendered infructuous and be disposed of as such. However, prayer was made by respondent-bank to give them liberty to initiate action under the 'SARFAESI Act', in case the petitioner commits default in making payment of the installments in future.

3. In view of the above, the present writ petition is disposed of as infructuous. However, it shall be open for the respondent-bank to proceed under the 'SARFAESI Act', in case the petitioner commits default in making payment of future installments.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

28.11.2018
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No