

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.18187 of 2018  
Date of decision :18.12.2018

Ranjit Kaur and another

..... Petitioners

Versus

Oriental Bank of Commerce and another

..... Respondents

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

Present: Mr.Mahir Sood, Advocate for the petitioners.  
Ms.Geeta Sharma, Advocate for respondent No.1.  
Mr.Pankaj Gupta, Additional Advocate General,  
Punjab.

**AJAY KUMAR MITTAL,J.**

1. A prayer made in the petition under Article 226 of the Constitution of India is for quashing of the letter dated 16.1.2018, Annexure P.5, and possession notice dated 20.9.2017, Annexure P.3, under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, `SARFAESI Act'). A direction is sought qua respondents not to dispossess the petitioners from the house, inasmuch as, the petitioners are ready and willing to settle the loan amount.

2. Learned counsel for the petitioners has produced a demand draft of ₹1 lakh bearing No.793150 dated 17.12.2018 as undertaken by him on 25.10.2018. The original demand draft has been handed over to Ms.Geeta Sharma, Advocate, appearing for respondent No.1 who has accepted the same on behalf of the respondent-bank and the bank shall be entitled to encash the same, without prejudice to its rights in the writ petition. The photocopy of the said demand draft has been retained on record. It was further submitted that the petitioners are ready to get the loan account regularized. However, the prayer of the petitioners was opposed by learned counsel for the bank.

3. After hearing the learned counsel for the parties, perusing the writ petition and without expressing any opinion on the merits of the case, we dispose of the present petition by permitting the petitioners to file a detailed and comprehensive representation for clearing the outstanding amount/regularising the account within one month along with a demand draft of ₹1 lakh in favour of the respondent-Bank before the appropriate authority. It is directed that in case the representation is made within one month along with the draft of ₹1 lakh, the same shall be decided sympathetically by the respondent-Bank, in accordance with law, after affording an opportunity of hearing to

the petitioners and by passing a speaking order within a period of two months from the date of receipt of the said representation. However, interim order passed on 25.7.2018 shall continue till the decision of the said representation. Needless to say, the grant of interim protection by this Court shall not be taken to be an expression of opinion on the merits of the controversy.

(AJAY KUMAR MITTAL)  
JUDGE

December 18, 2018  
KD

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking / reasoned:  
Whether Reportable:

Yes / No  
Yes / No