

CWP No.26394 of 2018

Date of Decision:12.10 .2018.

Sunita

...Petitioner

Versus

Authorized Officer/Chief Manager, ICICI Bank and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGANPresent: Mr. D.S. Nigha, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (ORAL)

The petitioner has approached this court by filing the present petition under Articles 226/227 of the Constitution of India for setting aside the impugned order dated 08.08.2018 (Annexure P-4) passed by respondent No.2 under Section 13(2) of the Securitization and Recommendation of Financial Assets and Enforcement of Security Interest Act, 2002 (for short “the SARFAESI Act”) for taking possession of the dwelling house of the petitioner.

2. It was submitted that the late husband of the petitioner had taken loan from the respondent-bank and had not paid the entire loan. After passing of the order dated 08.08.2018 (Annexure P-4), legal notice (Annexure P-6) has been served by the petitioner upon the respondent-bank but the same has not been decided so far. Learned counsel for the petitioner has submitted that at this stage, direction may be issued to the

respondent-bank to take a decision on the said legal notice (Annexure P-6) in a time bound manner.

3. After hearing learned counsel for the petitioner and without expressing any opinion on the merits of the case, we direct respondent No.3 to decide the legal notice (Annexure P-6) by passing a speaking order after affording an opportunity of hearing to the petitioner within a period of one month from the date of receipt of certified copy of this order. It is however clarified that till the decision is taken by the respondent-bank on the legal notice, status quo shall be maintained with regard to the physical possession of the house in question.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

October 12, 2018

Jyoti-IV

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No