

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-437-2018

Date of Decision: April 03, 2018

Kaki Devi and another

.....Petitioners

Versus

District Magistrate, Ambala 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: None for the petitioners.

Mr.Aayush Arora, Advocate for respondent Nos.2 and 3.

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SURYA KANT, J.

The petitioner-borrowers have challenged the order passed by by District Magistrate, Ambala in purported exercise of powers under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the SARFAESI Act'). When this writ petition came up for hearing on January 12, 2018, it was stated on behalf of petitioners that they are ready and willing to pay the arrears of defaulted installments alongwith interest and shall continue to pay the future installments on time. Their dispossession from the residential house was consequently stayed subject to their depositing ₹2.00 lacs within two weeks.

further time was granted on March 26, 2018 to enable them to deposit ₹2.00 lacs before today, i.e. 03.04.2018.

[3] Counsel for the bank states that the above-stated order has also not been honoured by the petitioners. Counsel for the petitioners is not present. The case has been called twice. In these circumstances when the petitioners are not in a position to pay the over-due amount also, no case to interfere with the action taken by the respondent-financial institution under Section 14 of the SARFAESI Act is made out. Still further, the petitioners have got an alternative remedy to approach Debt Recovery Tribunal, if so advised.

[4] The writ petition is, accordingly, dismissed with liberty aforementioned.

**(SURYA KANT)
JUDGE**

April 03, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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