

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.9711 of 2018.

Date of Decision: May 18, 2018

Kusum Lata

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Ajay Jain, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner seeks quashing of the orders dated 13.11.2017 and 28.02.2018 passed by the District Magistrate, Rewari in purported exercise of powers under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Vide the first order, police assistance has been provided to respondent No.4-bank for taking-over physical possession of the secured assets comprising a residential plot/house etc. and vide second order, the objections filed by the petitioner claiming herself to be the *bonafide* purchaser of a part of the mortgaged property, have been rejected.

[2] The facts are broadly admitted. Respondent No.5-borrower availed loan facilities from respondent No.4 bank and mortgaged its property comprising the land described in para No.2 of the writ petition. Out of the mortgaged property, a plot measuring 3 marla was statedly agreed to be purchased by the petitioner on 18.12.2017. It is claimed that the petitioner had to file suit for specific performance which was decreed before the Lok Adalat by way of a consent decree and in execution thereof, the sale

[3] The facts would speak for themselves. The so called title has been acquired by the petitioner much after the subject property was mortgaged by the borrower with the bank. Even measures under the 2002 Act had been taken much before the petitioner is said to have purchased the property. The plea of due diligence is essentially a question of fact which cannot be determined in these proceedings.

[4] No case to interfere with the impugned orders is made out.

[5] Dismissed.

[SURYA KANT]
JUDGE

May 18, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No