

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

CWP-18230-2018 (O&M)

Decided on: 04.02.2019

Kunal Jain and others

.... Petitioners

Versus

Cholamandalam Investment and Finance Company Ltd.

.... Respondent

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

Present: Petitioner No.1-Kunal Jain, in person with
Mr. Gaurav Chopra, Advocate.

Ms. Puja Chopra, Advocate
for the respondent.

AJAY KUMAR MITTAL, J (ORAL)

Prayer in this writ petition under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of Certiorari for quashing the notices dated 18.06.2018 and 27.10.2017 (Anneuxres P-15 and 19) issued by the respondents under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. On 13.12.2018, cheque No.000990 dated 10.12.2018 for ₹30 lacs drawn in favour of the respondent-bank was produced in Court. Thereafter, on 18.12.2018, it was stated by learned counsel for the parties that there is a possibility of amicable settlement between the parties. On the aforesaid premises, the personal appearance of the petitioners was exempted before the Court at Saidepat, Chennai in proceedings initiated under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881 by the Court of Metropolitan Magistrate, Fast Track Court-III Saidapet, Chennai summoning petitioner No.1 to be present on 27.12.2018.

3. Learned counsel for the petitioners has not disputed that the said cheque issued for ₹30 lakhs by the petitioner was dishonoured due to the default of petitioner No.1.

4. In such circumstances, we find that the bonafides of the petitioners are totally lacking in this writ petition. Accordingly, no ground for exercising the extra ordinary writ jurisdiction of this Court under Articles 226/227 of the Constitution of India is made out and accordingly, the petition is hereby dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

04.02.2019
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No