

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

**CWP No. 19285 of 2018 (O&M)
Decided on : 09.01.2019**

Anand Kumar and another

... Petitioner(s)

Versus

The Debts Recovery Tribunal-II, Chandigarh and others

... Respondent(s)

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

PRESENT: Mr. Tegjeet Singh, Advocate for
Mr. Atul Sharma, Advocate
for the petitioners.

Mr. Vipul Dharmani, Advocate
for respondents No.2 & 3.

Mr. Deepak Manchanda, Advocate
for the applicant (in CM-14482-CWP-2018).

AJAY KUMAR MITTAL, J. (Oral)

Challenge in this writ petition filed under Article 226 of the Constitution of India, is to the impugned actions of the respondent Bank vide which the physical possession of the residential house, # 596 P, Sector 4, Panchkula (dated 04th July, 2018, Annexure P-6) had been taken as well as the impugned actions of respondent No.1-Authorized Officer of the respondent-Bank, wherein, the process as prescribed under the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the 2002 Act') and the Security Interest (Enforcement) Rules, 2002, have been mis-utilized, while trying to proceed against the property of the petitioners.

2. Learned counsel for the parties stated that the the proposal under the One Time Settlement (OTS) Scheme, as furnished by the petitioners had been accepted by the respondent-Bank and the petitioner had already complied with the terms of the OTS. Accordingly, it was prayed by learned counsel for the parties

that the *lis* has been settled, therefore, the present writ petition has been rendered infructuous and may be disposed of as such.

3. Ordered accordingly.

4. Consequently, CM No. 14482-CWP of 2018 filed under Order 1 Rule 10 read with Section 151 of CPC, for impleading the applicant as respondent No.4, also stands disposed of as infructuous.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

January 09, 2019

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*