

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

CWP NO.17200-2020
Date of Decision: 11.12.2020

Sujith Muraledharan and othersPetitioners

Versus

House development Fin. Corp. Ltd., and anr.Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present : Mr. S.K. Yadav, Advocate,
for the petitioners.

None for the respondents.

SANT PARKASH , J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

By way of filing the present petition, the petitioners have sought issuance of writ in the nature of certiorari for quashing impugned order dated 21.01.2020 (Annexure P-1) passed by respondent No.2 and notice dated 06.10.2020 (Annexure P-2) passed by respondent No.1 for taking over the possession of the property of the petitioners.

Briefly, petitioner Nos.1 and 2 had availed a Home loan for a sum of ₹8,00,000/- from respondent No.1-Housing Development Finance Corporation Ltd., on 07.04.2017. The petitioners, due to financial constraints, had defaulted in making monthly installments due w.e.f.

March, 2018 resulting into the loan account being declared as Non Performing Asset (NPA). The respondent-Bank has filed the application under Section 14 of SARFAESI Act, 2002 before the Ld. Court of District Magistrate, Faridabad i.e. respondent No.3, in which, respondent No.3 passed order dated 21.01.2020, thereby appointing Tehsildar, Badkhal as a receiver to take the physical possession of the property. Now, the respondent Bank has pasted a notice dated 06.10.2020 on the house of the petitioners, for taking over the possession of the property.

While issuing notice of motion, vide order dated 15.10.2020, petitioners were directed to deposit a sum of ₹1,00,000/- in order to get their premises resealed.

During the course of arguments, learned counsel for the petitioners has submitted that pursuant to notice of motion order dated 15.10.2020, the petitioners have deposited a sum of ₹1,00,000/- with the bank and the bank has now, regularised the account of the petitioner. As such, learned counsel for the petitioners prays for permission to withdraw this writ petition.

Dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

11.12.2020
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whether speaking/reasoned: Yes/No
whether reportable: Yes/No