

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

CWP No.3021 of 2021(O&M)

Date of Decision:-10.02.2021

Sukhjinder Singh.

.....Petitioner.

Versus

State Bank of India & Anr.

.....Respondents.

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

**Present:- Mr. Arunjeet Singh, Advocate for
Mr. Munish Raj Chaudhary, Advocate for the Petitioner.**

Mr. Anurag Jain, Advocate for the respondent-SBI.

JASWANT SINGH, J.(ORAL)

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

Petitioner-Sukhjinder Singh had raised a loan of Rs.4 Lacs on 07.02.2006 from State Bank of India, Mall Road, Faridkot Branch for construction of a house at Street No.4, Old Cantt. Road, Dashmesh Nagar, Faridkot. The loan was to be repaid in 180 equated monthly installments. The request of the petitioner for extending the schedule from 180 months to 232 months was accepted on 14.02.2009. The petitioner again defaulted in the repayments leading to initiation of action under the SARFAESI Act on 01.06.2011.

By filing the present writ petition, the petitioner has laid challenge to Memo dated 18.01.2021 (P-4), whereby the authorized officer

of SBI has requested the petitioner to remove the household articles from the mortgaged house, which after taking physical possession was successfully sold in auction on 06.01.2021 for a sum of Rs.11 lacs to the auction purchaser and issuance of the Sale Certificate.

The submission on behalf of the petitioner raised are that the statutory provisions in Rules 8 & 9 provided in the SARFAESI Rules 2002 have not been followed, however, in the light of such a belated stage, it is conceded that the appropriate forum for the petitioner to seek his remedy, if any, would be to approach the DRT under Section 17 of the SARFAESI Act. Learned Counsel accordingly prays for permission to withdraw the present writ petition to seek his remedy in accordance with law.

Ordered Accordingly.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

February 10, 2021
Vinay

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