

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

CWP No. 6510 of 2021

Date of Decision: 19.03.2021

Bhupender Singh

.... Petitioner

Versus

Debts Recovery Appellate Tribunal and others

... Respondents

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

Present: Mr. S.D.Bansal, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

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

The secured creditor has proceeded to recover outstanding amount from the principal borrower by initiating the process under SARFAESI Act including the sale of the secured asset. The petitioner-Bhupender Singh claims to have purchased the secured asset from the original owner/ principal borrower prior in time of the raising of the loan and execution of the mortgage based upon a purported agreement to sell. Hence, he has challenged the entire process under the SARFAESI Act including the sale of the secured asset by filing the Securitization Application (S.A) before the DRT-II, Chandigarh, whose additional charge is with DRT, Jaipur.

The grievance raised in the present petition is that the DRT vide impugned order dated 09.03.2021 (Annexure P-28) has refused to grant interim relief while permitting the respondent-bank to file a detailed reply

on 06.04.2021. The said order dated 09.03.2021 reads as under:-

“Ld. Counsel for applicant argued that he is owner of the property since Agreement to Sale dt. 03.01.2003.

Ld. Counsel for respondent bank submitted that the property has already been sold out and they want to file detail reply to the S.A.

Considering the facts that the applicant claims his right over the property through an Agreement to Sale, which in my opinion is not sufficient to prove a valid and legal right of possession over the property so the prayer of interim relief is dismissed.

Put up for filing reply on 06.04.2021.”

No doubt, the aforesaid order is appealable before the learned Debts Recovery Tribunal, however, in the light of the Appellate Tribunal not holding Court due to pandemic Covid-19, the instant petition has been filed impugning the aforesaid order dated 09.03.2021 (Annexure P-28).

After arguing at length and having failed to convince us on merits, learned counsel for the petitioner prays for permission to withdraw the instant writ petition in order to seek his remedy in accordance with law.

Dismissed as withdrawn with the aforesaid liberty.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

19.03.2021
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No