

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

CWP No.8792 of 2022
Date of Decision: 28.04.2022

DARSHANA BANSAL

.....Petitioner

V/s.

***EDELWEISS ASSET RECONSTRUCTION COMPANY LIMITED
THROUGH ITS AUTHORIZED SIGNATORY AND OTHERS***

.....Respondents

CORAM: **HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO.**
HON'BLE MR. JUSTICE HARMINDER SINGH MADAAN

Present: Mr. Rohan Sharma, Advocate,
for the petitioner.

M.S. RAMACHANDRA RAO, J. (Oral)

Notice of motion.

Mr. Vipul Dharmani, Advocate accepts notice on behalf of respondents No. 1 and 2 and files his Memorandum of Appearance in the Court today. The same is taken on record.

It is the case of the petitioner that petitioner's husband took a loan of ₹33,49,222/- sanctioned on 27.01.2014 from respondent No.3, that there was an insurance policy taken as a cover of the loan liability of the petitioner's husband in the event of his death, that her husband died on 28.05.2016, but the insurer i.e. respondent No.5 made only part payment and not the entire loan liability of the petitioner's husband, that the petitioner had raised a dispute before State Consumer Commission, Punjab in C.C.No.392 of 2019 which is now fixed for hearing on 25.05.2022, and

in the meantime, respondents No.1 and 2, who are the assignees of the debt of respondent No.3 and 4, are proposing to dispossess the petitioner and sell her residential property to recover the balance loan dues.

Counsel for the petitioner contends that the petitioner has a reasonable chance of success before the State Consumer Forum, and till the said Forum decides the said dispute, no coercive action may be taken against the petitioner by respondents No.1 and 2.

Counsel for respondent No.1 and 2 has, however, contended that respondents No.5 and 6 are contesting the claim of the Writ Petitioner before the State Consumer Forum, and it is not known when the said C.C.No.392 of 2019 would get decided, and it would not be fair to stop respondents No.1 and 2 from making recovery till the consumer case is decided.

Having regard to the fact that the petitioner is a Widow who has lost her husband, and since her claim against respondents No.5 and 6 is pending before the State Consumer Commission, Punjab in C.C.No.392 of 2019, we are of the opinion that the said Commission can be directed to decide the said consumer case within two months from today after hearing all the parties, and till the said consumer case is decided, there should be stay of all coercive process against the petitioner.

Therefore, pending further orders, no coercive steps shall be taken against the petitioner by any of respondents till C.C.No.392 of 2019 is

decided by the Punjab State Consumer Commission, and it shall endeavour to decide it within two months as mentioned by us above.

The Writ Petition is disposed of accordingly.

(M.S. RAMACHANDRA RAO)
JUDGE

(HARMINDER SINGH MADAAN)
JUDGE

April 28, 2022
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>