

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

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2023:PHHC:050300-DB

CWP No. 764 of 2023
Date of Decision: 12.04.2023

Rajpal Malik

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Parmod Chauhan, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

1. The challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to the securitization proceedings and the taking over of possession by the authorities under Section 14 of The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short '2002' Act).
2. Averments have been made as such that there is an *ex parte* arbitration award passed in favour of the respondent-company against the loanee, who is the son of the petitioner. Factual averments regarding the disowning of the son etc. have been made and also that a civil suit was filed challenging the action, which has been rejected under Order 7 Rule 11 CPC.
3. We are of the considered opinion that disputed questions of fact would arise as such regarding the factum whether father and son are staying together. Even otherwise, once the possession is sought to be taken, it is always open to the petitioner to avail his alternative remedy under Section 17 of the 2002 Act before the Tribunal.

4. In such circumstances, the petition is disposed of with the above said liberty to the petitioner.

(G.S. SANDHAWALIA)
JUDGE

12.04.2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No