

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CWP-1407-2020

Decided on : 12.04.2023

Sanjeev Kumar

.....Petitioner(s)

Versus

Housing Development Finance Corporation Ltd. and another

.....Respondent(s)

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

Present: Mr.Jaswinder Singh Rana, Advocate for
Mr. Deepak Arora, Advocate for the petitioner (s).

G.S. Sandhawalia, J. (Oral)

A perusal of the paper-book would go on to show that subject matter of challenge in the present writ petition is the notice issued under Section 13 (4) of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 dated 16.12.2019 (Annexure P-2), whereby the Bank sought to recover its dues which are to the tune of ₹9,36,333/-.

Initially vide order dated 20.01.2020 the petitioner was protected subject to his deposit of ₹2 lakhs with the respondent-financial institution.

Today, counsel for the petitioner is not in a position to furnish any proof whether the amount was deposited or not. Even otherwise, the order was conditional. The process fee has also not been deposited for long three years.

CWP-1407-2020

-2-

It is, thus, apparent that the present case is of misuse of the judicial proceedings by getting an interim order and not adhering to the undertaking.

In such circumstances, we dismiss the present writ petition. Needless to say that there is an alternative and efficacious remedy available, if the petitioner still wishes to avail of it before the Debts Recovery Tribunal.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

12.04.2023
Naveen

Whether speaking/reasoned :	✓Yes	No
Whether Reportable :	Yes	✓No