

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CWP-2224-2023

Decided on :08.05.2023

Gurpreet Singh

.....Petitioner(s)

Versus

Cent Bank Home Finance Ltd. and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE GURBIR SINGH

Present: None.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Article 226/227 of the Constitution of India has been made to the securitization proceedings including the notice dated 03.03.2020 (Annexure P-5) issued under Section 13 (2) of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short '2002 Act') followed by notice under Section 14 of the 2002 Act, wherein on account of the outstandings of ₹20,50,000/- which was for the purpose of home loan, the petitioner is aggrieved.

2. On 03.02.2023, the following order was passed:-

“Counsel submits that petitioner had availed of a housing loan of Rs.20,50,000/- in which the co-borrower was his wife.

Documents have been referred to assert that wife of the petitioner was detected with breast cancer in the year 2017 and unfortunately succumbed to the disease in the year 2019.

It is urged that on account of the huge financial drain for treatment being afforded to the wife/co-borrower, default took place in servicing the debt.

Counsel has referred to the notice issued under Section 13(2) of the SARFAESI Act, 2002 dated 03.03.2020 (Annexure P-5) reflecting the amount of Rs. 16,74,688/-.

Bench has been apprised that pursuant to an application filed by the creditor Finance Company, an order under Section 14 of the

SARFAESI Act has already been passed by the District Magistrate, SAS Nagar Mohali.

It is contended that the petitioner is ready and willing to settle the accounts and to show his bona fides, the petitioner would deposit a sum of Rs.6,00,000/- with the respondent No.2 on 06.02.2023. Further undertaking furnished is that a sum of Rs.2,00,000/- shall be deposited by 28.02.2023 and another sum of Rs.4,00,000/- on or before 31.03.2023.

Issue notice of motion, returnable for 08.05.2023. Dispossession of the mortgaged property which is in the nature of a residential unit shall remain stayed till the next date of hearing.

It is made clear that in case the petitioner defaults in making the requisite payments and within the stipulated time frame, interim protection shall stand automatically vacated.”

3. As per office report, notices to respondents could not be issued for want of process fee. Even counsel for the petitioner has not filed any application or placed on record any receipt to show that whether compliance of the said order was made or whether the amounts as directed have been paid within the fixed time frame.
4. In such circumstances, we are of the considered opinion that since the order was conditional, present writ petition is liable to be dismissed for want of prosecution.
5. Disposed off accordingly.

(G.S. SANDHAWALIA)
JUDGE

(GURBIR SINGH)
JUDGE

08.05.2023
Naveen

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