

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

CWP-6928-2021 (O&M)

Date of Decision: August 31, 2023

HARMINDER SINGH

..... Petitioner

Versus

CANARA BANK

..... Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: None.

LISA GILL, J.

1. Prayer in this writ petition is for quashing notice dated 03.03.2021(Annexure P5) under Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’).

2. Notice of motion was issued in this writ petition on 25.03.2021, however, respondents could not be served due to non- deposit of process fee.

While issuing notice of motion, following order was passed:-

“ Learned counsel submits that the petitioner is ready and willing to clear the entire outstanding amount of around ₹17.50 lacs provided some reasonable time is granted for selling the machinery worth ₹30 lacs.

Notice of motion for 30.04.2021.”

3. As per office report, process fee has still not been filed and respondent is not served.

4. There is nothing on record to indicate as to whether the account of the petitioner has been settled or whether the petitioner is still in default thereof. Perusal of the file only reveals CM-11081-CWP-2022 seeking stay of e-auction of the mortgaged property, which was scheduled to be held on 01.08.2022.

5. Be that as it may, there is no representation on behalf of the petitioner and the respondent till date has not been served due to non-deposit of process fee. It appears that the petitioner is not interested in pursuing the matter any longer.

6. Accordingly, present writ petition is dismissed in default and for non-prosecution.

7. Pending application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

August 31, 2023
rts

(RITU TAGORE)
JUDGE

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