

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

CWP-6241-2023

Decided on :19.05.2023

Suman Singla

.....Petitioner(s)

Versus

Union Bank of India & others

.....Respondent(s)

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

Present: Mr.Kamal Narula, Advocate, for the petitioner.

Mr.Kamal Satija, Advocate, for respondent Nos.1 to 3.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is to the securitization proceedings including the possession notice dated 15.02.2023 (Annexure P-6) wherein the authorized officer of the Bank was seeking execution of the order dated 15.11.2022 passed by the District Magistrate, Fatehabad under Section 14 of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the 'Act').

2. The following order was passed on 24.03.2023:

“Counsel for the petitioner submits that there is an agreement as such in favour of the petitioner on the basis of which he is seeking to protect possession in view of the fact that the District Magistrate has passed order dated 15.11.2022 which is sought to be executed as per Annexure P-6.

Mr. Kamal Satija, Adovcate, having advance copies, has put in appearance on behalf of the bank and points out that in the agreement itself, it has been mentioned that respondent No.4 had specifically mentioned that there is a loan from the bank and she was to clear the same before registration of the sale deed. It is further pointed out that there is a civil suit also filed by the petitioner and interim order has also been passed in her favour and against the defendants in the said suit on 20.04.2022 (Annexure P-4). It is further pointed out that the outstandings of the borrower are to the tune of Rs.70,00,000/-.

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Counsel for the petitioner prays for time to seek instructions as to how much the petitioner is willing to pay to show her bonafides.

Adjourned to 18.04.2023.”

3. The matter was adjourned to 18.04.2023 and thereafter for today but no demand draft of any amount has been furnished by the petitioner to show her bona fides till today. Accordingly, we are of the considered opinion that since the Bank is resorting to the proceedings under the Act and is seeking to take possession of the mortgaged property in accordance with law, we do not find any reason to grant any further indulgence, especially keeping in view of the fact that the petitioner has an alternative and efficacious remedy available to approach the Tribunal challenging the said orders.

4. Accordingly, the present writ petition is dismissed, with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

19.05.2023
Sailesh

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No