

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

114

2023:PHHC:069920-DB

CWP-5785-2023

Date of Decision: 15.05.2023

Ramesh Kumar Sharma and another

.....Petitioner(s)

Versus

Can Fin Homes Ltd. and another

....Respondent(s)

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

Present: Mr. Sanjeev Majra, Advocate, for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

1. Challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to the securitization proceedings including the notice dated 24.06.2021 (Annexure P-3) issued under Section 13(4) of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. On 20.03.2023, the following order was passed:-

“A perusal of notice dated 24.06.2021 (Annexure P-3) would show that Rs.24,63,890/- is outstanding which is regarding immovable property measuring 100 sq.yards which has been described and there is also an order whereby the Deputy Commissioner has passed an order under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, in view of which notice dated 25.03.2021 (Annexure P-1) has been issued.

Accordingly, petitioners are directed to furnish a draft of Rs.8 lakhs on the next date of hearing, to show their bona fides.

List on 27.03.2023.”

3. Opportunities were again granted on 27.03.2023 and 17.04.2023. Even today, no draft has come forth to show the willingness of the petitioners. In such circumstances, we are of the considered opinion that the petitioners have a remedy before the Tribunal and since they have shown no willingness to furnish a draft, we are not inclined to entertain the present petition.

4. Accordingly, the petition stands dismissed with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

15.05.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No