

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

(126)

CWP-7027-2023

Decided on : 08.05.2023

Amarjit Kaur (D) through LR

.....Petitioner(s)

Versus

State Bank of India & others

.....Respondent(s)

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

Present: Mr.D.S.Saini, Advocate
Mr.N.S.Kamboj, Advocate for the petitioner (s).
Mr.Anurag Jain, Advocate, for respondent Nos.1 & 2.

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 possession notice dated 02.02.2023 (Annexure P-7) issued under Section 14(1A) of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 and to the possession of the house which has already been taken. The outstanding is stated to be Rs.19 lakhs, as per the case of the petitioner.

2. The following order was passed on 10.04.2023:

“Counsel for the bank points out that approximately Rs.25.25 lakhs is the outstanding amount as on 02.03.2023.

Counsel for the petitioner prays for time to seek necessary instructions as to whether the petitioner is willing to get a demand draft of reasonable amount so that the matter can be resolved and the accounts can be regularized since the issue is already stated to be pending consideration before the Permanent Lok Adalat, Public Utility at Faridkot.

Adjourned to 08.05.2023.”

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3. Counsel for the petitioners very candidly admits that the said order has not been complied with and the petitioner was not able to arrange the funds.

4. Accordingly, keeping in view the above, since there is an alternative remedy available under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and inspite of a life-line which had been offered to the petitioner on 10.04.2023 but the same has not been encashed. Resultantly, we have no other option but to dismiss the writ petition with liberty aforesaid, if he so desires, in view of the law laid down by the Apex Court in SLP (Civil) Nos.22021-22022 of 2022 titled *M/s South Indian Bank Ltd. & others Vs. Naveen Mathew Philip & another*, decided on 17.04.2023.

(G.S. SANDHAWALIA)
JUDGE

08.05.2023
sailesh

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No