

**CM-19095-CWP-2023 in
CWP-7448-2022 with
CM-19096-CWP-2023**

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Shriram Housing Finance Corporation Ltd. in this writ petition, for the purpose of adjudication of this writ petition and subject to just exceptions.

Amended memo of parties is taken on record, subject to just exceptions.

Application is disposed of accordingly.

CM-19096-CWP-2023

Reply on behalf of respondent No.4 to the writ petition is taken on record subject to all just exceptions.

CM stands disposed of.

CWP-7448-2022

1. Prayer in this writ petition is for issuance of direction to respondent No.4 to regularize loan account of the petitioner as he is stated to be ready and willing to deposit the defaulted amount in a phased manner. There is further prayer for setting aside notice(s) dated 24.07.2017 (Annexure P-1) and 02.12.2017 (Annexure P-2) under Section 13(2) and Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002 Act, respectively. Petitioner also seeks direction to respondents No.2 & 3 to not take coercive steps against the petitioner during pendency of writ petition.

2. It is submitted that loan facility was availed of by Saroj Rani i.e. mother of petitioner on 28.05.2016. Property in question as detailed in the writ petition was mortgaged.

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3. Learned counsel for respondent No.4 submits that this writ petition challenging notice dated 24.07.2017 (Anneuxre P-1) under Section 13(2) of SARFAESI Act and notice dated 02.12.2017 (Annexure P-2) under Section 13(4) of SARFAESI Act is rendered infructuous as said notice(s) have been withdrawn on 20.04.2023 and fresh notice under Section 13(2) of SARFAESI Act was issued on 20.04.2023 and notice under Section 13(4) of SARFAESI Act was issued on 26.09.2023.

4. Learned counsel for the petitioner submits that petitioner is not in receipt of said notice(s) as they have not been served upon him.

5. Be that as it may, present petition is rendered infructuous with withdrawal of impugned notice(s) issued under the SARFAESI Act.

6. Ordered accordingly.

7. Needless to say petitioner is at liberty to avail statutory remedy(ies) as available to him to challenge subsequent proceedings initiated against him under the SARFAESI Act in accordance with law. There is no expression of opinion on merits of the matter.

**(LISA GILL)
JUDGE**

**(HARPREET SINGH BRAR)
JUDGE**

14.11.2023

<i>Neha</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No