

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CM-21533-CWP-2023 in/and
CWP-7514-2023 (O&M)
Date of Decision: 22.12.2023

ANITA

... Petitioner

VERSUS

M/S TATA CAPITAL HOUSING FINANCE LTD. AND ORS

....Respondents

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

Present: Mr. Lokesh Sharma, Advocate
for applicant-petitioner.

Ms. Shimpy Sharma, Advocate
for respondents No.1 and 3 (through Video Conferencing).

Mr. Rajneesh Malhotra, Advocate
for respondent No.2.

LISA GILL, J.(Oral)

CM-21533-CWP-2023

Prayer in this application is for staying operation of order dated 24.11.2023 passed by learned District Magistrate, Rohtak, under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002.

Learned counsel for the parties are *ad idem* that hearing of writ petition itself be pre-poned from 06.03.2024 to today.

Accordingly, at request and with consent of learned counsel for the parties, hearing of CWP-7514-2023 is pre-poned from 06.03.2024 to today itself.

Application is accordingly disposed of.

CWP-7514-2023

1. Prayer in this writ petition is for quashing impugned possession notice dated 01.03.2023 (Annexure P-23) issued under Section 13(4) of SARFAESI Act by respondent No.3.
2. When learned counsel was faced with the question of entertainability of this writ petition in view of judgment of Hon'ble the Supreme Court in Phoenix ARC Private Limited Vs. Vishwa Bharati Vidya Mandir and others, 2022 (5) SCC 345, it is submitted that petitioner be permitted to withdraw this writ petition at this stage with liberty to avail the remedy available to her in accordance with law.
3. Dismissed as withdrawn with liberty as aforementioned.
4. It is clarified that there is no expression of opinion on the merits of the matter and petitioner is at liberty to raise all available pleas before appropriate forum in accordance with law.
5. Pending applications, if any, also stand disposed of accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

22.12.2023
Rimpal

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