

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8532-2022

DATE OF DECISION: 16.05.2023

MAMTA AND ANOTHER

.....PETITIONERS

VS.

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

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

Present: None for the petitioners.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

G.S.SANDHAWALIA, J. (ORAL)

1. The challenge in the present petition is to the securitization proceedings including the order passed by the District Magistrate, Fatehgarh Sahib, on 31.03.2021 under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. Vide the impugned order, dated 07.04.2022 (Annexure P-3), the Naib Tehsildar-cum-Executive Magistrate, Mandi Gobindgarh, is also executing the said order.

3. On 26.04.2022, the following order was passed:-

“Notice of motion for 13.09.2022.

Subject to the petitioners’ paying a sum of Rs.72,000/- to the respondent No.4 within two weeks from today, the petitioners shall not be dispossessed from the subject asset.

The amount of Rs.28,000/- deposited by the petitioners on 26.10.2021 from their savings bank account No.00000032600391244 be also appropriated towards the loan dues of the petitioners by the respondent No.4.

In default of compliance with this order, the same shall stand vacated.”

- 4. Thereafter, process fee was not deposited and the matter has remained pending.
- 5. Today, none has put in an appearance on behalf of the petitioners.
- 6. Keeping in view the above, we are of the considered opinion that the petitioners have lost interest in the litigation and even otherwise the petitioners were granted opportunity but they failed to encash the advantage of stay and have not filed any affidavit that the order has been complied with.
- 7. Resultantly, the petition is dismissed for non-prosecution

(G.S. SANDHAWALIA)
JUDGE

May 16, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No