

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(135) CWP-7431-2023
Decided on : 19.04.2023

Om Pal & anotherPetitioner(s)
Versus
Capital India Home Loan Ltd.Respondent(s)

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

Present: Mr.R.S.Dhull, Advocate for the petitioner (s).

G.S. Sandhawalia, J. (Oral)

1. A perusal of the paperbook would go on to show that the demand notice dated 17.03.2023 (Annexure P-7) is under Section 13(2) of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 for Rs.11,16,005/- and no final notice under Section 13(4) has been issued.
2. It is also apparent that there is a complaint pending before the District Forum, Karnal for 29.03.2023. In such circumstances, once the matter is already pending before a Court and the petitioners wants to settle it by paying substantial amount as a demand draft of Rs.3,50,000/- was produced, we are of the considered opinion that effort should be made to pursue in the matter already pending rather than approaching this Court. At this stage the writ petition is pre-mature as no order under Section 13(4) has been passed.
3. Accordingly, the present writ petition is dismissed, with liberty to the petitioners to pursue their legal remedy in view of the above observations.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

19.04.2023
Sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No