

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

131

**2023:PHHC:057631-DB**

**CWP-7456-2023**

**Date of Decision: 24.04.2023**

Vikram and another

.....Petitioner(s)

Versus

ART Housing Finance (India) Ltd. and others

.....Respondent(s)

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

Present: None for the petitioners.

Mr. Jatin Bansal, Advocate,  
and Ms. Keerti Sandhu, Advocate,  
for the respondent-Financial Institution.

\*\*\*\*

**G.S.SANDHAWALIA, J. (Oral)**

1. Challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to the order dated 10.11.2022 (Annexure P-2) passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act') whereby, directions were issued to hand over possession of the property in question.

2. Counsel for the bank has pointed out that the dues were of Rs.16,88,890/- as on 05.08.2022 as per the orders passed by the District Magistrate. It is not disputed that the petitioners have already approached the DRT and have filed S.A. No. 7 of 2023 which was pending for 13.04.2023. The possession notice would go on to show that symbolic possession was taken on 11.10.2022. The body of the writ petition would go on to show that various orders have been passed by the Tribunal between 11.01.2023 to

3. In such circumstances, we are of the considered opinion that a second front of litigation cannot be permitted to be opened up. The prayer further is that during the pendency of the petition, the order of the District Magistrate be stayed.

4. We are, thus, of the considered opinion that the matter can be agitated before the Forum which has already been approached as per the provisions of the 2002 Act and it is not for this Court to also permit two parallel sets of litigation to be continued.

5. In such circumstances, the petition stands disposed of with liberty to the petitioners to agitate for their grievances before the Tribunal.

(G.S. SANDHAWALIA)  
JUDGE

24.04.2023  
shivani

(HARPREET KAUR JEEWAN)  
JUDGE

Whether reasoned/speaking  
Whether reportable

Yes  
No