

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(264)

CWP-11785-2022

Decided on :18.05.2023

Shiv Pal Yadav

.....Petitioner(s)

Versus

Union Bank of India

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE GURBIR SINGH**

Present: None for the petitioner (s).

Mr. Gaurav Goel, Advocate for the respondent-Bank.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Article 226/227 of the Constitution of India is to the securitization proceedings including the notice dated 21.04.2022 issued under Section 13 (4) of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short '2002 Act'), wherein possession was taken under Rule 8 (6) of the Security Interest (Enforcement) Rules, 2002, on account of the outstandings of ₹25,55,137.75 as on 01.10.2019 which were due from petitioner No.1-Shiv Pal Yadav and also for a sum of ₹7,20,329.50 which were due as on 04.09.2019. Sale notice dated 11.05.2022 (Annexure P-1) is also subject matter of challenge, wherein mortgaged property was put to auction on the reserve price of ₹77 lakhs.

2. On 27.05.2022 the following order was passed:-

“Notice of motion for 07.09.2022.

Mr. Gaurav Goel, Advocate accepts notice on behalf of the respondent, and seeks time to file reply. May do so, on or before the next date of hearing with a copy in advance to the counsel opposite.

Subject to the petitioner paying a sum of Rs.10 lakhs by 07.07.2022, the sale of the secured asset scheduled to be held on 17.06.2022 shall go on, but the bid of the highest bidder shall not

be confirmed till the next date of hearing. In default of compliance with this order, this order shall stand vacated.”

3. On 02.02.2023 Mr. Goel submits that money had not been deposited and resultantly the following order was passed:-

“Mr. Gaurav Goel, counsel for the respondent-Bank, on instructions from Shri Navneet Kashyap, Branch Manager, Union Bank of India, would take a stand that the petitioner did not deposit a sum of Rs. 10.00 lacs by 07.07.2022 as per order dated 27.05.2022 passed by this Court.

If that be the case, the interim order passed by this Court on 27.05.2022 would cease to operate.

List on 18.05.2023.”

4. Keeping in view the above and since the petitioner did not accept the lifeline which had been given, no further indulgence can be granted. Even otherwise none had appeared on behalf of the petitioner on 02.02.2023 and today also none is present.

5. Resultantly, the present writ petition is dismissed for want of prosecution.

(G.S. SANDHAWALIA)
JUDGE

(GURBIR SINGH)
JUDGE

18.05.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No