

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

Neutral Citation No. 2023:PHHC:066738-DB

(264)

CWP-14275-2022

Decided on :09.05.2023

Sumer Chand

.....Petitioner(s)

Versus

IFL Housing Finance Ltd.

.....Respondent(s)

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

Present: None.

G.S. Sandhawalia, J. (Oral)

In the present writ petition filed under Article 226/227 of the Constitution of India challenge has been made to the securitization proceedings including notice issued under Section 13 (4) of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 dated 07.08.2021 (Annexure P-2) wherein a sum of ₹23,63,158/- as due on 10.05.2021 was outstanding.

2. On 11.07.2022 the following order was passed:-

“Notice of motion for 05.09.2022.

It is stated by counsel for the petitioners that the petitioners had paid a sum of ₹10 lakhs to the respondent on 29.06.2022 and that physical possession of the property has since been restored to the petitioners by the respondent.

Counsel for the petitioners states that a further amount of ₹3,88,320/- needs to be paid to the respondent and undertakes to make the said payment within four weeks.

Subject to the petitioners paying the said amount by 11.08.2022 and all the EMIs/dues in future as and when they fall due without default, status quo as on date, shall be maintained with regard to the possession of the subject premises. In default of compliance with this order, the same shall stand vacated.

3. As per office report, notice to respondents could not be issued for want of process fee. Neither the counsel for the petitioner has appeared nor any affidavit has been filed stating that the needful was done.
4. In such circumstances, we are of the considered opinion that since the order was conditional and same has not been complied with and, therefore, the present writ petition is liable to be dismissed for want of prosecution.
5. Disposed off accordingly.

(G.S. SANDHAWALIA)
JUDGE

(GURBIR SINGH)
JUDGE

09.05.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No