

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

CWP-18263-2022

Date of Decision: October 20, 2023

Suman Devi

..... Petitioner

Versus

Union of India and others

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Vansh Chawla, Advocate for the petitioner.

Mr. Ankur Sharma, Advocate for respondent No. 1.

Mr. A.D.S. Sukhija, Advocate for respondent No. 3.

Mr. Sandeep Suri, Advocate for respondent No. 4.

LISA GILL, J.

1. Prayer in this writ petition is for directing respondent No. 3 – Bank to restructure/regularize Housing loan availed by petitioner's husband and to extend moratorium, as per instructions/circulars dated 06.08.2020 (Annexure P6) and dated 05.05.2021 (Annexure P7). Further prayer is to set aside notice dated 26.07.2022 (Annexure P11) under Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – 'SARFAESI Act').

2. During the course of hearing, it is informed by learned counsel for respondent No. 3 that without prejudice to rights of said respondent, account of petitioner's husband can be regularized/made standard in case, petitioner deposits a sum of ₹1,22,654/- within a period of one month and subject to an undertaking by the petitioner that she would regularly deposit the installments as they fall due.

3. Learned counsel for the petitioner, on instructions from the petitioner, present in Court, submits that said amount shall be deposited

within one month from today and petitioner shall also submit an undertaking before respondent No. 3 that she would deposit sum of ₹1,22,654/- within a period of one month and further continue depositing the installments as they fall due regularly, without any default and in case of two consecutive defaults, respondents are entitled to revive proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’).

4. In view of the above, present writ petition is rendered infructuous and is disposed of accordingly, without any expression of opinion on the merits of the matter or even its entertainability. Parties are at liberty to avail remedy(ies) available to them in accordance with law in case of any subsisting/further grievance.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

October 20, 2023

Rts

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No