

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(275)

CWP-24128-2022 (O&M)

Decided on :18.05.2023

Rameshwar Dass

.....Petitioner(s)

Versus

Bank of Baroda and another

.....Respondent(s)

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

Present: Mr. J.P. Jangu, Advocate for the petitioner (s).

None for respondent No.1.

Mr. Yuvraj Shandilya, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is to the securitization proceedings including the order dated 24.09.2022 (Annexure P-4) passed under Section 14 of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. On 20.10.2022 the following order was passed:-

“The Advocates are abstaining from work.

Notice of motion for 22.2.2023.

Subject to the petitioner depositing ₹6,20,000/- with the respondent Bank within four weeks, no coercive action including dispossession of the petitioner from the secured asset shall be taken until further orders. In default of compliance with this order this order shall stand vacated.”

3. The lifeline was extended on 22.02.2023 even though counsel was not present. Process fee was not deposited for the last 7 months.

4. Counsel for the petitioner is not in a position to show that whether the said amount has been deposited or not.

5. Keeping in view the above, we are of the considered opinion that no further indulgence can be granted to the petitioner. Accordingly, the present petition is dismissed with liberty to approach the Tribunal, in view of the law laid down by the Apex Court in **M/s South Indian Bank Ltd. & others Vs. Naveen Mathew Philip & another, 2023 (2) RCR (Civil) 771**, in case the petitioner have any cause of action.

(G.S. SANDHAWALIA)
JUDGE

18.05.2023
Naveen

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No