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

CM-16983-CWP-2023 in/and
CWP-21208-2023
Date of Decision: **October 04, 2023**

SUMAN PUNIA ...... Petitioner

Versus

HDFC BANK LTD AND OTHERS ..... Respondents

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

Present: Mr. Amit Kohar, Advocate for the petitioner.

Mr. Shekhar Verma, Advocate
for the respondent – Bank (through VC).

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<u>LISA GILL, J.</u>

CM-16983-CWP-2023

Prayer in the application is for preponement of hearing of this petition.

For the reasons mentioned in the application as well as arguments addressed, hearing of the petition is preponed from 21.11.2023 for today itself.

Application is disposed of, accordingly.

CWP-21208-2023

1. Grievance of the petitioner is that she is a co-borrower of the loan amount alongwith her husband from respondent – Bank. It is submitted that subsequent to availing of loan facility, matrimonial dispute arose between the parties. Numerous litigation is statedly pending between them. Vide order dated 13.05.2022 passed by learned Additional Principal Judge Family Court, Hisar, petitioner's husband was directed to bear the burden of

loan in question by depositing monthly installments of the loan amount directly to the HDFC bank, in addition to the maintenance amount awarded. In CRR-F-647-2022 preferred by the respondent – husband, he was directed to continue to deposit EMIs of the house. Respondent – husband, however, defaulted in depositing instalments with the respondent – Bank. Contempt petition i.e. COCP-2672-2023 filed by the petitioner is stated to be pending after issuance of notice of motion.

2. In the meanwhile, respondent – Bank, it is submitted, is going ahead with proceedings under SARFAESI Act against the petitioner as well. It is in this backdrop, present petition has been filed seeking quashing of notice dated 17.05.2022 (Annexure P6) under Section 13(2) of SARFAESI Act and notice dated 06.09.2023 (Annexure P19) under Section 13(4) of SARFAESI Act besides notice dated 19.09.2023 (Annexure P21).

3. During the course of hearing, learned counsel for the respondent – Bank submits that the Bank would regularize the account of the petitioner in case, entire overdue amount of ₹4,27,633/- as on 04.10.2023 stands deposited and petitioner continues to deposit installments as they fall due on a regular basis without any default. Learned counsel for the petitioner submits that said amount shall be deposited within a period of thirty (30) days and further installments shall also be deposited regularly by the petitioner subject to her right to recover the said amount from respondent No. 5 – her husband.

4. Keeping in view the facts and circumstances and specifically the consensus arrived at between the parties, this writ petition is disposed of

in view of the settlement arrived at between them. Needless to say, in case of any default, respondent – Bank is entitled to revive the proceedings under SARFAESI Act and petitioner is at liberty to avail statutory remedy available to her in accordance with law in case of any grievance. Petitioner is also at liberty to seek remedies available to her for recovery if any, from respondent No. 5, her husband, in accordance with law and necessarily subject to orders which may be passed by the competent Court/Authority in the pending litigation between them.

5. It is clarified that there is no expression of opinion on the merits of the matter.

6. Pending application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

October 04, 2023
rts

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