

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(285)

CWP-27562-2022

Decided on :10.05.2023

Payal Taneja

.....Petitioner(s)

Versus

Naib Tehsildar-cum-Executive Magistrate & others

.....Respondent(s)

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

Present: None for the petitioner (s).

Mr.Aman Bahri, Addl.A.G., Haryana, for respondent No.1.

Mr.Gaurav Sharma, Advocate for respondent No.2.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India has been made to the securitization proceedings including possession notice issued under Section 14 of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the 'Act') dated 11.11.2022 (Annexure P-3) and also the possession notice issued under Section 13(4) of the Act dated 28.10.2021 (Annexure P-1).

2. Apparently, the petitioner had also filed SA-98/2022, in which the following order was passed on 19.04.2022:

“Registry is directed to issue notices to the respondents to be served by the applicant through all prescribed modes including by hand & the Registered post AD as well as e-mail, along with complete paper book. B. Registry shall forward the notice to the applicant and counsel through e-mail for onward service to the respondents. Thereafter, applicant shall file the affidavit of service.

Sale conducted shall be subject to the outcome of the SA. Bank shall not proceed with confirming the sale till this Tribunal hears the matter. List the matter on 20.04.2022 for hearing on the issue of interim relief. Dasti.”

3. On the interim relief not being granted by the Tribunal, the jurisdiction of this Court was invoked and on 01.12.2022, the following order was passed:

“Notice of motion for 24.01.2023.

Till the next date of hearing, petitioner shall not be dispossessed from the secured asset by respondents No.2&3 pursuant to the possession notice issued by respondent No.1 on 11.11.2022. Petitioner is permitted to take steps for amendment of the pleadings in SA-98-2022 on the file of DRT-II, Delhi in the meantime with regard to her dispossession as well.”

4. Thereafter, on 24.01.2023, it was noticed that process fee had not been filed and counsel had also not put in appearance. Today, the position remains the same. It is apparent that the petitioner has lost interest in the litigation in as much as he could have made amendment of the pleadings in the SA regarding the dispossession before the Tribunal.

5. In such circumstances, we dismiss the writ petition for want of prosecution as no affidavit has been filed that the needful has been done.

(G.S. SANDHAWALIA)
JUDGE

(GURBIR SINGH)
JUDGE

10.05.2023
sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No