

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

**CWP-24631-2023(O&M)  
Date of Decision: 03.11.2023**

Simerjit Singh and others

...Petitioners

Versus

Tata Capital Housing Finance Ltd.

...Respondent

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

Present: Ms. Janya Sirohi, Advocate for the petitioners.

Mr. Arman Roop Sharma, Advocate  
for the respondent (through video conferencing).

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**LISA GILL, J (ORAL)**

1. Prayer in this writ petition is for setting aside notice dated 13.12.2022 under Section 13(2) and notice dated 07.03.2023 (Annexure P-1) under Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') issued by the respondent-Bank and notice dated 28.09.2023 issued by Tehsildar ordering possession of the mortgaged property for today i.e. 03.11.2023.

2. Learned counsel for the petitioners when faced with the question of maintainability of this writ petition in view of judgment of Hon'ble the Supreme Court in **Phoenix ARC Private Limited vs. Vishwa Bharati Vidya Mandir and others, 2022 (1) R.C.R. (Civil) 888**, seeks to withdraw this writ petition with liberty to petitioners to approach the

respondent-Bank for redressal of their grievance in accordance with law, as may be acceptable to the Bank.

3.           Writ petition is accordingly dismissed as withdrawn with liberty to the petitioners to avail remedy/remedies as may be available to them in accordance with law as well as to pursue the matter with respondent-Bank for any mutually acceptable settlement of the account.
4.           Pending miscellaneous applications, if any, stand disposed of accordingly.

(LISA GILL)

JUDGE

(RITU TAGORE)

JUDGE

November 03, 2023

sunita

Whether speaking/reasoned       :       Yes/No

Whether reportable                 :       Yes/No