

Neutral Citation No. 2023:PHHC:051510-DB
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(237)

CWP-37011-2019

Decided on : 13.04.2023

RaminderKaur

.....Petitioner(s)

Versus

Oriental Bank of Commerce and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Deepak Chauhan, Advocate for
Mr. Kuldeep V. Singh, Advocate for the petitioner (s).

Mr. Raj Kumar, Advocate for respondent Nos.1 & 2.

Ms. MayuriLakhanpalKalia, Advocate
for respondent No.3-U.T. Chandigarh

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition is to the order dated 26.10.2018 (Annexure P-14) under the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short '2002 Act'). The petitioner was apprehending her dispossession in view of the application filed under Section 14 of the 2002 Act.

It has been brought to our notice that Deputy Commissioner-cum-District Magistrate, U.T.Chandigarh had dismissed the application of the Bank on 14.12.2022 on the ground that the possession of 50% share of the property cannot be taken over without legally determining the portion of the property, which was allotted as a single unit which is ground floor of House No.3750, Sector 23-D, Chandigarh. Even otherwise, we are of the considered opinion that once notice under Section 13 (4) was issued the remedy as such would lie before the Tribunal.

Accordingly, the present writ petition is disposed of with the liberty to the petitioner to approach the Tribunal.

Needless to say that since interim order was passed on 19.12.2019 and had continued to operate till 17.03.2022 and was vacated only on account of non-payment of the installments. Thus, if the application is filed within two weeks from today, the Tribunal will proceed to decide the same on merits.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

13.04.2023
Naveen

Whether speaking/reasoned :	✓Yes	No
Whether Reportable :	Yes	✓No