

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(125)

2023:PHHC:163949-DB

CWP-28855-2023

Date of Decision: 20.12.2023

Gurwinder Singh

--Petitioner

Versus

Senior Branch Manager & another

--Respondents

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

HON'BLE MRS. JUSTICE RITU TAGORE.

Present:- Mr. Deepak Kumar, Advocate for petitioner.

Mr. Gaurav Goel, Advocate for respondents.

LISA GILL.J (Oral)

1. Prayer in this petition is for directing respondents to settle loan account of petitioner.
2. It is submitted that proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short SARFAESI Act) undertaken against the petitioner are in utter violation of the provision of the Act and the applicable Rules. Petitioner was in custody when possession of house was taken. It is submitted that petitioner is ready and willing to settle the account immediately.
3. Learned counsel for respondents, on advance notice, on instructions from Mr. Vivek Tiwari, Chief Manager, Indian Overseas Bank, informs that property in question was auctioned on 25.08.2023 and sale certificate was duly issued on 09.10.2023 i.e. much prior to filing of present writ petition on 16.12.2023.
4. Keeping in view the facts and circumstances as above, we do not find any ground for interference at this stage. Petition is, accordingly, disposed of with liberty to petitioner to avail the remedy available to him, in accordance with law.

**(LISA GILL)
JUDGE**

20.12.2023

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**(RITU TAGORE)
JUDGE**

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