

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CWP-29133-2023

Date of Decision: 21.12.2023

JOGINDER SINGH

... Petitioner

VERSUS

HOUSING DEVELOPMENT FINANCE
CORPORATION LIMITED AND ORS.

....Respondents

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

Present: Mr. Govind Chauhan, Advocate
for the petitioner.

Mr. Shaurya Khanna, Advocate
for respondent No.1.

Mr. Himmat Singh, Additional A.G. Haryana.

LISA GILL, J.(Oral)

1. Prayer in this writ petition is for quashing demand notice dated 23.01.2023 (Annexure P-2) issued by respondent-Bank under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002 Act, notice dated 07.06.2023 (Annexure P-3) under Section 13(4) of SARFAESI Act and notice dated 24.11.2023 (Annexure P-4) issued by Tehsildar, Karnal pursuant to order dated 14.11.2023 passed by District Magistrate, Karnal.

2. During the course of hearing, it is informed by learned counsel for parties that settlement has been arrived at between the petitioner and respondent No.1.

3. It is agreed that a sum of Rs.2 lakhs shall be handed over by petitioner to respondent No.1 today by 4:00 pm. Thereafter, another

sum of Rs.2 lakhs shall be deposited on or before 26.12.2023 and remaining Rs.2½ lakhs i.e overdue amount subject to reconciliation of accounts, shall be deposited by the petitioner on or before 08.01.2024.

4. Learned counsel for respondent No.1 on instructions from Mr.Aditya Kochar, Legal Manager, HDFC Bank submits that in case sum of Rs.2 lakhs is deposited by petitioner today itself by 4:00 pm, proceedings for taking over possession shall be deferred.

5. Learned counsel for the petitioner submits that petitioner undertakes to deposit rest of the amount as above as well on the stipulated dates besides depositing future installments as they fall due regularly without any default, upon which learned counsel for respondent responds that in case said amount is deposited, account of the petitioner shall be regularized/made standard.

6. It is submitted that in view of consensus arrived at as above, this writ petition is rendered infructuous.

7. Writ petition is accordingly disposed of as infructuous without expression of any opinion on the merits of the matter or even entertainability thereof.

(LISA GILL)

JUDGE

(RITU TAGORE)

JUDGE

21.12.2023

Rimpal

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No