

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

CWP-1443-2024

Date of Decision: 21.03.2024

Kotak Mahindra Bank Limited

..... Petitioner

Versus

M/s Sanatan Logistics Pvt. Ltd. and others

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. Ravi Gupta, Senior Advocate with
Mr. Mahip Datta, Advocate and
Ms. Kirti Kumar, Advocate
for the petitioner.

LISA GILL, J.(oral)

1. Prayer in this writ petition is for setting aside order dated 18.07.2023 (Annexure P-1) passed by learned Debts Recovery Tribunal-II, Chandigarh. There is a further prayer for restoring physical possession of secured asset of petitioner.

2. Grievance raised by petitioner is that possession of secured asset was taken by borrowers in an illegal manner even before expiry of period of appeal and they are continuing to enjoy illegal possession of secured asset in question. Appeal filed by petitioner before learned Debts Recovery Appellate Tribunal (for short 'DRAT'), it is submitted is not being heard. Appeal was listed after registration on 09.08.2023 and thereafter adjourned to 21.08.2023, 28.08.2023, 22.11.2023, 15.12.2023, 16.02.2024 and as of now, appeal is listed for 22.05.2024. Interim relief which has been sought has also not been adjudicated upon by learned

DRAT, leading to respondent-borrower taking benefit of its wrong and

illegal act.

3. Keeping in view facts and circumstances of case, while not finding any ground to interfere on merits of the matter, this writ petition is disposed of with a request to learned DRAT to finally adjudicate the matter on the date now fixed and if not so possible due to any reason, application seeking interim relief may be decided on the said date or at least within next 10 working days therefrom.

4. Writ petition is disposed of accordingly without expressing any opinion on the merits of the matter.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

21.03.2024

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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No