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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6754-2021 (O&M)
Date of Decision: 24.01.2024

Abhay Gharu

..... Petitioner

Versus

Authorized Officer Bank of India and others

..... Respondents

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

Present: Ms. Jyoti Sareen, Advocate
for the petitioner.

Mr. G.S. Anand, Advocate
for respondents No. 1 and 2.

LISA GILL, J. (Oral)

1. Prayer in this writ petition is for setting aside order dated 03.03.2021 (Annexure P-16) passed by learned Debts Recovery Tribunal (DRT) Jaipur, holding additional charge of DRT-I, Chandigarh, wherein, interim relief for maintaining status quo regarding possession of mortgaged property was denied to the petitioner. There is a further prayer for directing respondents No. 1 and 2 to consider proposal dated 25.08.2020 (Annexure P-6) submitted by petitioner for regularization and restructuring of housing loan account.

2. Admittedly, petitioner has an efficacious remedy of filing appeal for challenging the impugned order passed by learned DRT. Reference in this regard is made to judgments of Hon'ble the Supreme Court of India in ***Union Bank of India v. Satyawati Tandon and others, 2010(8) SCC 110, M/s South Indian Bank Ltd. and others v. Naveen Mathew Philip and another, 2023(2) RCR (Civil) 771 and Varimadugu Obi Reddy vs. B. Sreenivasulu and others, 2023 (1) R.C.R. (Civil) 34.***

3. At this stage, it is informed by learned counsel for parties that SA bearing No. 46 of 2020 filed by petitioner is pending adjudication before learned

DRT-I, Chandigarh on 09.02.2024. Pleadings are complete and SA is ripe for arguments. It is agreed that learned counsel for parties would address arguments to enable final disposal of SA on 09.02.2024 itself and till then, interim order granted to petitioner vide order dated 24.03.2021 in this writ petition may be continued.

4. Keeping in view the consensus which has been arrived, this writ petition is disposed of with the direction that SA bearing No. 46 of 2020 filed by petitioner stated to be listed before learned DRT-I, Chandigarh on 09.02.2024 be disposed of finally on the said date in accordance with law and if for some reason, learned DRT-I, Chandigarh is unable to decide the same on the said date, it be decided finally within the next 15 working days. Till then, interim order dated 24.03.2021 shall enure. In case of any subsequent grievance, petitioner is at liberty to avail statutory remedy(ies) available to him in accordance with law. There is no expression of opinion on the merits of matter.

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

(LISA GILL)
JUDGE

24.01.2024
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(AMARJOT BHATTI)
JUDGE

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