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

CWP-11948-2024

Date of Decision: 20.05.2024

Darshan Singh

..... Petitioner

Versus

Ummeed Housing Finance Private Limited and others

..... Respondents

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

Present: Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

LISA GILL, J.(oral)

1. This writ petition has being filed seeking quashing of notice dated 24.10.2023 issued under Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') by respondent No. 2 and notice dated 24.04.2024 issued by Tehsildar-cum-CRO, Fatehgarh Sahib pursuant to order dated 29.12.2022 passed by Additional District Magistrate, Fatehgarh Sahib under Section 14 of SARFAESI Act.

2. It is submitted that petitioner is neither borrower nor guarantor of loan in question. Loan facility is stated to have been availed of by respondents No. 5 to 7 who are arrayed as proforma respondents in this writ petition. Petitioner claims to be co-sharer of property in question. It is further submitted that respondents No. 5 to 7 have mortgaged 4 kanals of land i.e. their share in total 44 kanals of land. On a pointed query, learned counsel for petitioner informs that all the co-sharers are in separate possession of their share, though partition has not taken place. Learned



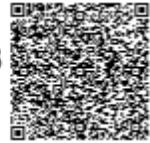
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counsel for petitioner does not deny that petitioner does have an efficacious alternate remedy provided under SARFAESI Act. It is submitted that petitioner tried to approach learned DRT but the matter could not be listed as in the evening of 16.05.2024, e-filing site was not working. The requisite fee was deposited by petitioner through online mode on 17.05.2024, which was deducted from the account of petitioner's counsel at 07:30 am but it is not reflected in concerned account of learned DRT. It is in this situation that present writ petition has been filed.

3. Be that as it may, we do not find any ground for interference in this matter at this stage for the reason that it was incumbent upon the petitioner to have taken necessary steps before learned DRT in case of any technical hitch arising. Present writ petition is admittedly not entertainable keeping in view the judgments of Hon'ble the Supreme Court in **Union Bank of India v. Satyawati Tandon and others, 2010(8) SCC 110** and **M/s South Indian bank Ltd. and others v. Naveen Mathew Philip and another, 2023(2) RCR (Civil) 771.**

4. It is relevant to note at this stage that relief claimed is primarily against a private non-banking housing company which calls for no interference. Gainful reference in this respect can be made to judgment of the Hon'ble Supreme Court in ***Phoenix ARC Private Ltd. Vs. Vishwa Bharati Vidya Mandir and others 2022 AIR (SC) 1045.***

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5. Keeping in view the above, we do not find any ground to interfere in this matter and the argument raised that matter is not being listed before learned DRT is not borne out as such before us. Petition is accordingly disposed of with liberty to petitioner to take necessary steps for having matter listed before learned DRT and if necessary to make a mention before appropriate authority and take up all pleas available to him in accordance with law.

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

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

20.05.2024*lalit*

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