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

CWP-12216-2024

Date of Decision: 27.05.2024

Gaurav Chandola and another

..... Petitioners

Versus

TATA Capital Housing Finance Ltd. and others

..... Respondents

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

Present: Mr. Navneet Jindal, Advocate
for the petitioners.

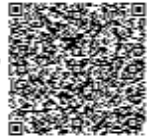
Mr. Vishwanathan Iyer, Advocate
for respondent No. 1 (through Video Conferencing).

LISA GILL, J.(oral)

1. Prayer in this writ petition is for directing respondents No. 1 and 2 not to proceed further and dispossess petitioners from the subject property till final decision of S.A. No. 91 of 2024 filed by petitioners, stated to be pending before learned Debts Recovery Tribunal-III, Chandigarh (for short 'DRT-III'), for 14.06.2024.

2. Present writ petition is not entertainable in view of the fact that in case of any grievance which petitioners might have qua any orders passed by learned Tribunal, they have remedy of appeal provided under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') itself.

3. However, learned counsel for respondent No. 1 (on advance notice) submits that till 14.06.2024 i.e. date on which S.A. No. 91/2024 filed by petitioners is listed before learned DRT-III, Chandigarh, no action is being taken to recover possession of property of petitioners.



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4. In this view of the matter, apart from writ petition not being entertainable, same is rendered infructuous. It is for learned Tribunal to take appropriate decision regarding *interim* relief, if any, to be granted to petitioners, keeping in view the facts and circumstances of matter.

5. Writ petition is accordingly, disposed of as infructuous without expression of opinion on merits of the matter.

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

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

27.05.2024

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