

CWP-14933-2024
Date of Decision: October 15, 2024

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

1. Prayer in this writ petition is for setting aside proceedings initiated under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’) against the petitioner.
2. Learned counsel for petitioner submits that two loan facilities were availed of by petitioner’s husband and her son. Various arguments have been raised by learned counsel for petitioner to the effect that proceedings initiated under SARFAESI Act are illegal and arbitrary. However, when faced with the question of entertainability of this writ petition especially keeping in view judgments of Hon’ble the Supreme Court in **Union Bank of India v. Satyawati Tandon and others, 2010 (8) SCC 110; Varimadugu Obi Reddy v. B. Sreenivasulu and others, 2023 (1) R.C.R. (Civil) 34; M/s South Indian Bank Ltd. and others v. Naveen Mathew Philip and another, 2023 (2) RCR**

(Civil) 771 and Phoenix ARC Private Limited versus Vishwa Bharti Vidya Mandir and others, 2022 (1) RCR (Civil) 888, learned counsel submits that petitioner may be permitted to avail statutory remedy(ies) available to her in accordance with law for redressal of grievance(s) as raised in this writ petition.

- 3. Writ petition is, accordingly, disposed of with liberty to petitioner to avail statutory remedy(ies) available to her in accordance with law.
- 4. There is no expression of any opinion on the merits of the matter.

(LISA GILL)
JUDGE

October 15, 2024
Rts

(SUKHVINDER KAUR)
JUDGE

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