2024:PHHC:105444-DB

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

128 **CWP No.19891 of 2024.**
Date of Decision: 14.08.2024.

Jyoti Mehra and others ....Petitioners.

VERSUS

PNB Housing Finance Limited and others ....Respondents.

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**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Manish Soni, Advocate for the petitioners.

Mr. D.K. Singal, Advocate for respondents No.1 and 3.

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ANUPINDER SINGH GREWAL, J. (Oral)

Learned counsel for the petitioners submits that petitioner No.1 is the widow and co-borrower while the other petitioners are her children. The housing loan for a sum of Rs.65,00,000/- was obtained by petitioner No.1 and her husband and they purchased a flat on the 4th floor in a Group Housing Society. Later her husband expired. The sanctioned loan was insured with respondent No.4. On the failure of respondent No.4 to pay the insured amount, the petitioners had approached the District Consumer Disputes Redressal Commission, Faridabad and vide order dated 01.03.2024 the opposite party was restrained from taking possession of the house. The operative part of the said order is reproduced hereunder:-

> "*Opposite party is directed to restrain from snatching the possession of the said house recovering any amount from the applicants/ complainants in the shadow of any illegal and arbitrary order or by attachment, sale of house in any manner whatsoever till then.*"

2. Learned counsel for the petitioners submits that he wants to withdraw this petition with liberty to approach the Debt Recovery Tribunal by preferring an application under Section 17 of the SARFAESI Act. He submits that date for taking physical possession is 21.08.2024 and the Debt Recovery Tribunal be directed to consider and decide the application of the petitioners for interim relief prior thereto.

3. In view of the limited prayer and keeping in view that it was a housing loan obtained by petitioner No.1, who is a widow and her husband, who has expired and also the order passed by the Commission dated 01.03.2024, we deem it appropriate to grant liberty to the petitioners to approach the Debt Recovery Tribunal by preferring an application under Section 17 of the SARFAESI Act, by 16.08.2024. The Debt Recovery Tribunal is requested to consider and decide the application, if any, before 21.08.2024 as the possession has to be handed over on that date.

4. The petition stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

14.08.2024
jitender

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No