

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

115

CWP-21488-2024.
Date of Decision: 30.08.2024.

M/s Shiv Shankar Rice Mills and anotherPetitioners.

VERSUS

District Magistrate-cum-Deputy Commissioner, Karnal and others

....Respondents.

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

Present: Mr. Vivek Goyal, Advocate and
Mr. Shubham Pabbi, Advocate for the petitioners.

Mr. Sumit Batra, Advocate for caveator/respondent-bank.

ANUPINDER SINGH GREWAL, J. (Oral)

Learned counsel for the petitioners submits that the physical possession of the property for the secured asset, which comprises the residential house, has been taken by the respondents and the same had also been sold through auction. The petitioners are not challenging the auction and confining the prayer in this petition to the grant of three weeks' time to hand over vacant possession of the premises. He submits that Anil Gupta, Partner of petitioner No.1 as well as petitioner No.2 are residing in the house along with their their minor children and they need some time to make an alternative arrangement. He also submits that IA, which the petitioners have preferred pertaining to the house in SA No.140 of 2024, shall also be withdrawn by them. The petitioners have also filed an affidavit in this regard.

2. Issue notice to the respondents.

3. At the asking of the Court, Mr. Aftab Singh Khara, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 3. Mr. Sumit Batra, Advocate puts in appearance and accepts notice on behalf of caveator/respondent No.4-bank. Copy of the aforesaid affidavit has been supplied to him.

4. Learned counsel for the caveator/respondent No.4-bank submits that petitioners are delaying handing over of the possession of the house.

5. Having heard learned counsel for the parties, we are of the considered view that prayer of the petitioners appears to be reasonable. Anil Gupta, partner of petitioner No.1-firm as well as petitioner No.2 are residing in the house along with their minor children. They are just seeking three weeks' time to hand over the vacant possession of the premises. Petitioner No.1 has also filed an affidavit in this regard and they shall also withdraw the IA pertaining to the house.

6. The petition is disposed of with a direction that the petitioners shall hand over the vacant possession of the house on or before 20.09.2024. They shall also withdraw the IA pending before Tribunal pertaining to the house. The petitioners shall not be dispossessed till 20.09.2024.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

30.08.2024
jitender

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