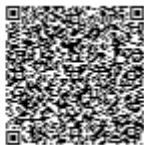


2024:PHHC:131925-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22540-2024 (O&M)
Date of Decision: 03.10.2024

KARANPREET SINGH

.....Petitioner(s)

Versus

AUTHORISED OFFICER, MOTILAL OSWAL HOME FINANCE
LIMITED AND OTHERS

..... Respondent(s)

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

Present: Mr. Rakshit Gupta, Advocate
for petitioner.

Mr. Himendra Pal Singh, Advocate
for respondents no.1 and 2.

Mr. Vishal Singh, Advocate
for respondents no.2 and 3.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside impugned notice dated 14.08.2024, issued by respondent no.5 pursuant to order dated 19.06.2024 passed by District Magistrate, Kaithal under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act).

2. Learned counsel for petitioner submits that petitioner was constrained to file this writ petition as learned Debt Recovery Tribunal-II, Chandigarh (DRT-II) is not functioning since 14.08.2024. Notice of motion was

thus issued in this writ petition on 06.09.2024 for today by Coordinate Bench

with a direction that till the prayer of petitioner for interim relief is heard and decided by the DRT-II, no coercive steps be taken by the respondents.

3. At this juncture, we take note of order dated 30.09.2024, passed in CWP-25240-2024, relevant part of which reads as under:-

“At this stage, we take note of the piquant situation which has arisen due to non-functioning of learned DRT-II leading to a flood of writ petitions by adversely affected parties before this Court with no timeline available to indicate when learned DRT-II shall become functional. In the peculiar circumstances as above and in order to obviate unnecessary delays and difficulties to affected litigants, it is directed that earlier arrangement where additional charge of learned DRT-II had been given to DRT-I, shall continue till the next date of hearing or any decision taken by Cabinet Committee for Appointments, whichever is earlier”.

4. Learned counsel for respondent at this stage submits that possession of property in question is not being taken till 08.10.2024.

5. Keeping in view the facts and circumstances as above, this writ petition is disposed of with liberty to petitioner to pursue the matter now before learned DRT-II while taking all available pleas.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

03.10.2024

Sunil

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No