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

CWP-23851-2024

Date of Decision: 18.09.2024

**M/S PARGATI FEEDS AND ANOTHERPETITIONERS
VERSUS
INDIAN OVERSEAS BANK AND OTHERSRESPONDENTS**

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

Present: Mr. S.K. Jindal, Advocate for the petitioners.

ANUPINDER SINGH GREWAL, J (ORAL)

Learned counsel for the petitioners submits that the petitioners had approached the DRT-II and had been protected by the Supreme Court for a period of 15 days vide order dated 13.05.2024 passed in SLP (C) No.10947 of 2024 (Annexure P-3). DRT-II is not functioning and therefore, the petitioner is put to hardship and being dispossessed from his residential house No.59 on plot (Area 376.71 sq. yards), Sector-18, HUDA Development, Panipat which is at serial No.1 in the list of properties mentioned in the notice issued by the respondent-bank under Section 13(2) of the SARFAESI Act. He further submits that the petitioners are only seeking protection from dispossession from the aforesaid residential house and not challenging the action of the respondents in putting their other assets to sale.

2. Issue notice to the respondents.

3. Mr. Gaurav Goel, Advocate accepts notice on behalf of the respondent(s)-Bank.



4. Heard.

5. The petitioners or a litigant cannot be left remediless especially when the same has been provided by the statute. We draw our support from the order of the Supreme Court dated 16.12.2021 in the case of **‘State Bar Council of Madhya Pradesh Vs. Union of India’** Special Leave Petition (C) No.10911/2021. Relevant extract is reproduced herein-below:-

“13. With a view to resolve the problem being faced by the parties, for the time being and purely as a stopgap arrangement, we request the concerned High Court(s) to entertain the matters falling within the jurisdiction of DRTs and DRATs under Article 226 of the Constitution of India, till further orders.

14. We make it clear that once the Tribunal(s) is/are constituted, the matters can be relegated to the Tribunals by the High Court(s).”

6. In view of the limited prayer, the petition is disposed of with a direction that petitioners shall be protected from dispossession from their residential house for a period of 15 days after the DRT-II resumes its functioning.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

18.09.2024

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Whether speaking/ reasoned : Yes/No

Whether Reportable : Yes/No