



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

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CWP-24675-2024.**Date of Decision: 24.09.2024.**

Dheeraj and another

....Petitioners.

VERSUS

Canara Bank and others

....Respondents.

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

Present: Mr. Ranjeet Singh Chauhan, Advocate and
Mr. Dharmendra Kumar, Advocate for petitioners.

ANUPINDER SINGH GREWAL, J. (Oral)

Learned counsel for the petitioners submits that petitioners had taken a loan of Rs.17,00,000/- in the year 2016. Notice under Section 13(2) of the SARFAESI Act, was issued on 31.10.2022 for Rs.11,67,232.98. He submits that the petitioners have preferred SA bearing Diary No.1987/2024 (Reference No.6475147800) before the DRT-II, but as it is not functioning, the same is not being heard. The petitioners are borrowers of small amount and they are being dispossessed from the sole residential house comprising 120 square yards.

2. Heard.

3. Petitioners have preferred SA before the DRT-II and due to its non-functioning, the same is not being taken up for hearing. The petitioners or a litigant cannot be left remediless especially when the same has been provided by a 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).”

4. Consequently, the petition is disposed of with a direction that till the prayer of the petitioners for interim relief is decided by the DRT-II, no coercive steps under the SARFAESI Act, be taken against the petitioners.

5. It is clarified that this Court is not making any comment on the merits of the case including the fact that whether or not the petitioners are in possession of the secured asset.

6. It is further made clear that the petitioners shall not make any effort to delay the proceedings and shall remove the defects in the application, if any, immediately.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

24.09.2024

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