

**CWP No.29683 of 2022 (O&M)****1****128+205****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP No.29683 of 2022 (O&M)****Decided on :15.10.2024****Aftab Alam****.....Petitioner.****VERSUS****HDFC Limited and Ors.****.....Respondents.****CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR****Present: Mr. Abhishek Khullar, Advocate for the petitioner.****Mr. Vibhav Singh Tara, Advocate for respondent-Bank.****Mr. H.S. Deol, Sr. DAG. Punjab.*************LISA GILL, J (ORAL)**

1 Prayer in this writ petition is for setting aside order dated 13.12.2022 passed by Id. DRT-III, Chandigarh, whereby interim relief was declined to the petitioner.

2 Notice of motion was issued in this writ petition on 22.12.2022 with dispossession of the petitioner from the secured asset being stayed till the next date of hearing. Interim order has since been extended.

3 Learned counsel for the respondent-Bank submits that writ petition itself is not entertainable in view of specific remedy available to the petitioner under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act).

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Moreover, SA No.130 of 2022, filed by petitioner is listed for arguments before Id. DRT-III, Chandigarh on 02.12.2024, wherein all available pleas can be raised.

4 Petitioner, it is submitted is in default of installments and overdue amount for regularization of loan account and that he has not come forward to deposit amount in question while taking advantage of interim order in his favour.

5 During the course of hearing, in order to give quietus to the present lis, consensus has been arrived at between the parties that arguments shall be addressed before the Id. DRT-III, Chandigarh on 02.12.2024 and none of the parties or their counsel shall seek any adjournment whatsoever and till then interim order granted in favour of petitioner may be directed to enure.

6 In view of consensus arrived at between the parties, this writ petition is disposed of with liberty to the parties to raise all available pleas before the Id. DRT-III, Chandigarh. Interim order in favour of the petitioner shall enure till 02.12.2024. In case, there is any request for adjournment on behalf of petitioner, said order shall automatically stand vacated. In case, Id. DRT-III, Chandigarh, is unable to hear and conclude the matter on the said date of hearing, the same be concluded within the next *three weeks* thereafter till which time interim would continue.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

15.10.2024
jyoti3

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No