



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

CWP-5514-2021

Date of Decision: May 09, 2024

SANDEEP AND ANR

..... Petitioners

Versus

DISTRICT MAGISTRATE LUDHIANA AND OTHERS

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MS. JUSTICE AMARJOT BHATTI**

Present: None for the petitioners.

Mr. Aditya Sharda, DAG, Punjab.

Mr. Nitesh Jhajria, Advocate for

Mr. Abhinav Sood, Advocate for respondent No. 2.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’) initiated against petitioners.

2. Notice of motion in this writ petition was issued on 09.03.2021 with a direction that further proceedings under SARFAESI Act be kept in abeyance till next date of hearing subject to deposit of Rs.2 lakhs on or before 31.03.2021 by petitioners.

3. Learned counsel for respondent - Bank submits that present writ petition is not entertainable in view of judgments of Hon’ble the Supreme Court in **Union Bank of India v. Satyawati Tandon and others, 2010(8) SCC 110; Varimadugu Obi Reddy v. B. Sreenivasulu and others, 2023(1) R.C.R.(Civil) 34 and M/s South Indian bank Ltd. and others v. Naveen**

Mathew Philip and another, 2023(2) RCR (Civil) 771. Moreover, SA-25-2021 preferred by petitioners was dismissed in default on 02.08.2023. Not a single penny has been deposited by petitioners after deposit of Rs. 2 lakhs in terms of order dated 09.03.2021. Dismissal of writ petition is sought.

4. Perusal of file reveals that after issuance of notice of motion, none had appeared on behalf of petitioners on certain occasions and following order was passed on 28.02.2024:-

“ None had been appearing on behalf of petitioners on various occasions when this writ petition was taken up for hearing.

Today, learned counsel for petitioners is stated to be in personal difficulty. Last opportunity is sought to address arguments.

At request, adjourned to 12.03.2024.”

5. Matter could not be taken on 12.03.2024 and 15.04.2024 due to paucity of time.

6. Today, despite matter being called twice, none appears on behalf of petitioners. It appears that petitioners are not interested in pursuing the matter any longer.

7. Writ petition is, accordingly, dismissed in default and for non prosecution.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

May 09, 2024

Rts

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No