



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

**CWP-12773-2019 (O&M)**

Date of decision: 4<sup>th</sup> December, 2025

Govind Kumar & another

... Petitioners

Versus

State of Haryana & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE  
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. Ram Bilas Gupta, Advocate for the petitioners.

Mr. Neeraj Gupta, Addl. Advocate General Haryana.

Mr. Abhinav Sood, Mr. Akshay Sharma & Mr. Sayyam Garg,  
Advocates for applicant/respondent No.8.

**SHEEL NAGU, CHIEF JUSTICE (ORAL)**

CM-17202-2025

Instant application has been filed for impleading the applicant as respondent No.8, being necessary and proper party.

In view of averments made in the application and in the interest of justice, the same is allowed and the applicant is impleaded as respondent No.8.

Amended memo of parties is taken on record.

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1. Borrower (petitioner No.1) and his wife (petitioner No.2) have filed this petition essentially seeking quashing of two possession notices issued on 19.04.2016 and 28.12.2016 (Annexures P-3 and P-11, respectively).

2. Petitioner No.2 had approached the Debts Recovery Tribunal (DRT) and Debts Recovery Appellate Tribunal (DRAT), which is evident

from impugned orders dated 24.07.2017 and 20.07.2018 (Annexures P-14 and P-15).

3. The SA filed by petitioner No.2 was dismissed on 22.02.2017 vide order (Annexure P-16) in view of the fact that she is not the borrower. When the said order was assailed by petitioner No.2 before the DRAT in Appeal No.413/2017, the same was dismissed for want of making pre-deposit vide order (Annexure P-15).

4. Learned counsel for petitioners essentially raises the ground that fraud has been committed on the petitioner/borrower and his wife.

5. Pertinently, the Apex Court, in case of '**Mardia Chemicals Ltd. vs. Union of India & others**' AIR Online 2004 SC 948, has held that the bar contained in Section 34 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Act shall not apply in cases where the aggrieved person approaches the Civil Court on the ground of fraud.

6. The petitioner has failed to avail the said remedy.

7. In view of the above, this Court refrains from interfering into the merits of the case and relegates the petitioners to avail alternative remedy, if any available under the provisions of law.

8. With these observations, the petition stands disposed of.

**(SHEEL NAGU)**  
**CHIEF JUSTICE**

**(SANJIV BERRY)**  
**JUDGE**

**December 4, 2025**

*rps*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No