

119

2025:PHHC:037274-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7669-2025
Date of decision : 19.03.2025

Raj Kalan and others Vs. ...Petitioners

The ICICI Bank Ltd. and others ...Respondents

CORAM: HON’BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON’BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Raywant Kaushish, Advocate
for the petitioners.

Mr. D.K.Singhal, Advocate
for the respondents.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Dheeraj Jain, Senior Panel Counsel for UOI.

ANUPINDER SINGH GREWAL, J.(Oral)

Learned counsel for the petitioners submits that the petitioner No.1 is the widow of Late Sh. Sandeep Kumar, while petitioner Nos.2 and 3 are his children. Sh.Sandeep Kumar was the guarantor of the loan whereas the loan had been taken by respondent Nos.4 and 5, who are the brother and sister-in-law of Late Sandeep Kumar and the house which is in the possession of the petitioners had been mortgaged. The possession notice under Section 13 (4) of the SARFAESI Act had been issued on 13.08.2024 wherein a sum of Rs.18,74,488/- is shown as outstanding against the loan account. The petitioners have preferred a Securitization Application No.20 of 2025 before the DRT-II, which could not be taken up for hearing, for want of Presiding Officer. He further submits that the petitioners may be protected till

DRT-II resumes its functioning.

2. Heard.
3. It is settled law that the petitioners cannot be left remediless especially when the same has been provided by a Statute. We also 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 hereinbelow:-

“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. As DRT-II is stated to be non-functional, it would be in the interest of justice, if the petitioners are protected for some time till the DRT-II resumes its functioning.
5. At this juncture, Mr. Satya Pal Jain, Additional Solicitor General of India submits that the proposal for extending the additional charge of DRT-II to DRT-I has been sent to the Appointments Committee of the Cabinet (ACC).
6. The petition is disposed of with a direction that no coercive measures shall be taken against the petitioners for a period of 15 days after the DRT-II resumes its functioning.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

19.03.2025
vanita

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