

2025:PHHC:103694-DB



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

CWP-9374-2025 (O&M)

Date of decision: 11.08.2025

Hardeep Kaur

.....Petitioner

Versus

**Cholamandlam Investment and Finance Company Ltd. and
others**

.....Respondents

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

Present: Mr. Abhishek Khullar, Advocate,
for the petitioner.

Ms. Puja Chopra, advocate,
for respondent Nos. 1 and 2.

Mr. Varun Chhibba, Advocate,
and Mr. Amandeep Singh Sidhu, Advocate,
for respondent No.3.

SHEEL NAGU, C.J. (ORAL)

CM-4925-CWP-2025

Application is allowed as prayed for.

CWP-9374-2025 (O&M)

1. The present petition is by a stranger to the transaction in question to the extent that the petitioner purchased the property after execution of the mortgage deed, which was executed to secure the loan in question extended by respondent Nos. 1 and 2 to the borrower i.e. respondent No.3.

2. The challenge in this petition is to an order dated

10.01.2025 (Annexure P-4), by which the Debts Recovery Tribunal, Chandigarh-III, has dismissed SA No.86 of 2022 as time barred.

3. The petitioner, even as a stranger, is entitled to approach the Appellate Forum under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, which he has failed to do.

4. The Apex Court has come down heavily on High Courts for entertaining the subject matters pertaining to the SARFAESI Act and held that High Courts should refrain from interfering under Article 226 of the Constitution in SARFAESI proceedings. The SARFAESI Act, 2002 is a complete code which not only provides for a detailed recovery mechanism, but also remedies before the Debts Recovery Tribunal (DRT) and thereafter, Debts Recovery Appellate Tribunal (DRAT).

5. In view of the above and the view of Apex Court in **United Bank of India vs. Satyawati Tondon, (2010) AIR SC 3413 (Para 17, 27); Phoenix ARC Private Limited vs. Vishwa Bharati Vidya Mandir and others, (2022) 5 SCC 345 (Paras 10, 21) ; PHR Invent Educational Society versus UCO Bank and others, 2024 (6)SCC 579 (Paras 22 to 41)**, this Court refrains exercise of jurisdiction under Article 226 of Constitution.

6. Accordingly, this Court, without commenting upon merits, relegates the petitioner to avail the remedy of appeal

under Section 18 of the SARFAESI Act, 2002, before the Debts Recovery Appellate Tribunal (DRAT), which if availed within a period of 30 days from today along with copy of this order, shall be entertained and decided on its own merits without being dismissed on limitation ground.

7. The present petition stands disposed of accordingly. Since the main petition has been disposed of, misc. application i.e. CM-10838-CWP-2025 also stands disposed of.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(SANJIV BERRY)
JUDGE**

11.08.2025

Ajay Prasher

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No