IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-13515-2023 (O&M)
Date of decision: 25.09.2025

Bharat Pal and others ….Petitioners.

Versus

Deputy Commissioner cum District Magistrate Palwal and another ....Respondents.

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

Present:- Mr. Ritesh Tomar, Advocate,
for the petitioners.
Mr. Deepak Balyan, Addl. AG, Haryana.
Mr. Harsh Chopra, Advocate, for respondent No. 2.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

Petitioners, who are borrowers, have assailed the proceedings in a pending application preferred u/s 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (for short, 'the SARFAESI Act') by respondent No. 2/financial institution.

2. This Court, while taking cognizance of the matter, on 19.06.2023 passed an interim order restraining the respondents from taking any coercive action against the petitioners subject to deposit of Rs. 10.00 lacs which was complied with by the petitioners. A further condition was imposed that the petitioners/borrowers shall continue to abide by the terms to make future payments.

3. Learned counsel for the Bank informs that no repayments of loan, thereafter, were made after deposit of Rs. 10.00 lacs.

4. In view of above, it appears that the petitioner has taken undue advantage of the process of this Court by not only enjoying the interim order and restraining the Bank from making the due recovery of the defaulted amount but has also wasted the precious time of this Court which could have been utilized in more pressive matters.

5. Accordingly, the petitioner deserves to be saddled with cost.

6. Cost of Rs. 25,000/- is imposed upon the petitioners/borrowers for having misused the judicial process and the same is ordered to be deposited with the Poor Patients Wefare Fund of the PGIMER, Chandigarh, within a period of 30 days, failing which the mater be taken up for hearing.

7. However, this order will not prevent the petitioners/borrowers from availing any alternative remedy under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

8. With the aforesaid observastions, petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

25.09.2025
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i) Whether speaking/reasoned? Yes/No
ii) Whether reportable? Yes/No