IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

107+241

CWP-14556-2024 (O&M)
Date of Decision:- 20.08.2025

MEWA DEVI

....Petitioner(s)

Versus

SMFG INDIA HOME FINANCE COMPANY LTD AND ORS

...Respondent(s)

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

Present: None for the petitioner.

Mr. Sumit Puri, Advocate for the respondents.

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SHEEL NAGU, C.J. (Oral)

CM-10436-2024

1. The present application has been filed seeking extension of time to comply with the order dated 18.06.2024 passed by this Court.

2. Admittedly, the petitioner has failed to comply with the undertaking recorded in the order dated 18.06.2024, by not depositing the amount within the stipulated period. Therefore, no extension of time can be granted to the petitioner.

3. Accordingly, the present application stands dismissed.

Main case

1. None has put in appearance on behalf of the petitioner.

2. Present petition has been filed by the borrower, who had mortgaged his property to secure a loan extended by the respondent-

financial institution and when default took place in repaying the loan, SARFAESI proceedings were commenced and the challenge in this petition is to a notice under Section 13(2) of the SARFAESI Act.

3. The SARFAESI Act does not provide remedy before any forum against a notice under Section 13(2) except an opportunity to the borrower to prefer a representation under Section 13(3A), which was included by way of an amendment incorporated in the year 2004.

4. In fact, the petitioner ought to have responded to the said notice issued under Section 13(2) instead of rushing to this Court. Be that as it may, this Court, while taking cognizance of the matter on 18.06.2024, directed the parties to explore the possibility of one time settlement, subject to the petitioner depositing ₹5 lakhs by 30.06.2024 and the respondent was restrained from taking coercive steps against the petitioner.

5. Learned counsel for the respondent-financial institution informs that the condition subject to which the aforesaid interim order was passed on 18.06.2024, has not been complied with, as amount of ₹5 lakhs has not yet been deposited. Instead the petitioner has deposited only ₹2.72 lakhs.

6. Since the interim order passed on 18.06.2024 was patently clear that in case the petitioner fails to comply with the aforesaid condition, the interim order would be of no avail to her, this Court declines interference in the present matter as the petitioner has failed to show her *bona fide*.

7. The petitioner is always free to avail any of the remedies available to her under SARFAESI Act.

8. The respondent-financial institution too is permitted to proceed

to take all permissible steps as per law under SARFAESI Act.

9. Petition stands disposed of.

10. All other pending applications stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

20.08.2025
S.Sharma

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