

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:089187-DB



Civil Writ Petition No. 15430 of 2025 (O&M)

Date of Decision: 21.07.2025

Sarabjeet Kaur and others

.....Petitioners

versus

Managing Director Head AU Small Finance Bank Ltd. and others

.....Respondents

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

Present : Mr. Kehar Singh Hissowal, Advocate (Arguing counsel)
for the petitioners.

Ms. Deepika Mittal, Advocate (Arguing counsel)
for respondent-Bank.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The petitioners, who are borrowers, have approached this Court against the impugned letter dated 12.11.2024 (Annexure P-4) issued by respondent Bank requesting the respondent No.4 to hand over possession of the secured asset, pursuant to order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act').

2. The only ground raised in this petition is that of sympathy and compassionate. Merely on the basis of sympathy and compassionate, no relief can be granted. Reliance in this regard is placed on the judgment rendered by the Apex Court in *M/s Maruti Udyog Ltd. vs. Ram Lal* 2005(2) SCC 638 wherein in para-32, it has been held as under: -

“32. While construing a statute, 'sympathy' has no role to play. This Court cannot interpret the provisions of the said Act ignoring the binding decisions of the Constitution Bench of this Court only by way of sympathy to the concerned workmen.

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In [Teri Oat Estates \(P\) Ltd. Vs. U.T., Chandigarh and Others](#) [(2004) 2 SCC 130], it is stated:

"We have no doubt in our mind that sympathy or sentiment by itself cannot be a ground for passing an order in relation whereto the appellants miserably fail to establish a legal right. It is further trite that despite an extra-ordinary constitutional jurisdiction contained in [Article 142](#) of the Constitution of India, this Court ordinarily would not pass an order, which would be in contravention of a statutory provision.

As early as in 1911, Farewell L.J. in **Latham vs. Richard Johnson & Nephew Ltd. [1911-13 AER reprint p.117]** observed: -

"We must be careful not to allow our sympathy with the infant plaintiff to affect our judgment. Sentiment is a dangerous Will O' the Wisp to take as a guide in the search for legal principles."

3. Moreover, the petitioners can avail statutory remedy of approaching Debts Recovery Tribunal under Section 17 of the SARFAESI Act and thereafter Debts Recovery Appellate Tribunal under Section 18 of the said Act of 2002 and therefore, this Court declines interference in the impugned order and extends liberty to the petitioners to avail alternative remedies.
4. With the aforesaid observations, the petition stands disposed of, without commenting upon the merits of the claim.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

21.07.2025

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No