IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24799-2018 (O&M)
Date of Decision: 08.09.2025

RAVINDER KAUR AND ORS

...Petitioners

Versus

ADDITIONAL DISTRICT MAGISTRATE AND ORS

...Respondents

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

Present:- Mr. Atul Sharma, Advocate and
Mr. Tegjeet Singh, Advocate
for the petitioners.

Mr. Salil Sabhlok, Sr. DAG, Punjab.

Mr. Nitin Grover, Advocate
for respondent No.3 (through Video Conferencing).

Mr. Rajneesh Malhotra, Advocate and
Ms. Manvi Verma, Advocate for respondent No.4.

****

SHEEL NAGU, C.J. (Oral)

1. The petitioners, are the legal heirs of deceased Mohinder Pal Singh, husband of petitioner No.1 and father of petitioners No.2 and 3, who had taken loan from GE Money Housing Finance which was subsequently taken over by Magna Housing Finance-respondent No.2.

2. It is pertinent to point out that respondent No.2 assigned the loan to respondent No.3- Assets Reconstruction Company (India) Limited. It is further pertinent to point out that the loanee was insured with respondent No.4- Max New York Life Insurance Company Limited.

3. Incidentally, the deceased-husband of petitioner No.1 died on 05.04.2009. Till then, the payment of loan was as per the time schedule. Later

defaults took place and notice under Section 13 (2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, was issued on 02.02.2018 to the husband of petitioner No.1.

4. Challenging the notice issued under Section 13 (2) of SARFAESI Act, petitioner No.1-borrower (widow of Mohinder Pal Singh) filed a ***Civil Suit No. 1263 of 2013*** which was withdrawn on 05.03.2025 as per information derived from the website of the District Court, North Delhi.

5. Meanwhile, the petitioners preferred this petition and while taking cognizance of this matter on 27.09.2018, an order directing the rival parties to maintain status quo was passed which continues to remain in force till date.

6. After hearing learned counsel for the rival parties, it appears that the entire issue boils down on the fact that certain documents which the insurance company requires to process the insurance claim were not supplied by the petitioners. These documents are contained in Annexure R-7 dated 16.12.2019, which is a letter issued in favour of petitioner No.1 by the respondent No.4- Insurance Company. The abovesaid documents are reproduced below:-

> *"1. Duly filled Claimant Statement-'Claimant statement' (format for all schemes enclosed) to be completed, signed, witnessed and attested by Master Policy holder.*
>
> *2. Original/Attested copy of Death Certificate issued by Municipal Authorities.*
>
> *3. Copy of cancelled cheque/bank passbook wherein account number and name of the nominee is printed/EFT Mandate form (Format enclosed) attested by Bank.*
>
> *4. Photo ID and address proof of Nominee."*

7. After hearing learned counsel for rival parties, this Court is of the considered view that since fair stand is taken by counsel for the petitioners

that all the aforesaid four documents, as far as possible, shall be supplied by petitioner No.1 to the insurance company within a period of three weeks. This petition, thus, need not be kept pending.

8. Accordingly, this petition stands disposed of with direction that in case the petitioners supplies all the above said four documents to the insurance company within a period of three weeks from today, the insurance company shall process the claim and pass speaking order and communicate the same to the petitioners within further period of four weeks thereafter.

9. The aforesaid exercise needs to be concluded within a period of four weeks from the date of supply of the documents by the petitioners.

10. Till the time, the insurance company processes the claim and passes speaking order, status quo, as already ordered, shall continue to protect the petitioners.

11. Pending application(s), if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

08.09.2025
Kanika

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No