

2025:PHHC:143775-DB



CWP-23164 of 2025

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

**CWP-23164 of 2025  
Date of decision: 16.10.2025**

**UMMEED HOUSING FINANCE PVT LTD****....Petitioner****V/S****DISTRICT MAGISTRATE, KAITHAL AND OTHERS****... Respondents**

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

**Present:- Mr. Vipul Dharmani, Advocate  
for the petitioner-financial Institution.**

**Mr. Deepak Balyan, Addl. Advocate General, Haryana.**

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**SHEEL NAGU, CHIEF JUSTICE (Oral)**

1. The petitioner-Financial Institution is before this Court, praying for the following reliefs:-

- i. Issue writ in the nature of mandamus directing he respondent no.1-District Magistrate, Kaithal (Exercising the powers of District Magistrate under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and respondents no. 2-Tehsildar Kalayat, Kaithal and respondent no.3-Deputy Superintendent of Police, Kaithal to take due action for restoration of the physical possession of the secured asset as per the order dated 03.04.2024 (Annexure P-3) passed under Section 14 of the SARFAESI Act, 2002 forthwith and restore the physical possession of the secured asset to the petitioner in accordance with law as the same is not taken and is postponed without any justifiable ground.
- ii. Service of advance notices upon the respondents may kindly be dispensed with view of the urgency of the matter.



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- iii. Filing of certified copies of all the annexures may kindly be exempted and the petitioner be further exempted from filing legible copies of the vernaculars of annexure in view of the urgency of the matter.
- iv. Costs of the petition may kindly be awarded in favour of the petitioner..

2. The grievance of the petitioner-financial institution is that although possession of the secured asset was initially taken on 10.06.2024, whereafter the borrower-respondents no. 5 to 8 regained the unlawful possession of the secured asset on 11.06.2024. The petitioner-financial institution has not been helped by the functionaries of the State, despite having filed representation dated 24.07.2025 (Annexure P-12) to the District Magistrate, Kaithal and despite the registration of FIR No. 0020 dated 18.01.2025 (Annexure P-11), alleging offences punishable under Sections 148, 149, 427, 447, 448, and 506 of IPC, at Police Station Kalayat, District Kaithal.

3. The Registry informs that the borrowers-respondents no. 5, 6 and 8 have been duly served, yet none has entered appearance on their behalf. However, learned counsel for the petitioner-financial institution informs that respondent no. 7 has since expired, which fact stands confirmed from the report of the Registry. Since, the borrowers-respondents no. 5, 6 and 8 are the members of same family, it would be appropriate to proceed ahead, despite death of borrower-respondent no.7.

4. In view of the above, the instant petition stands disposed of, with a direction to respondent no.1-District Magistrate, Kaithal, to ensure that the physical possession of the secured asset, which is a residential house to be handed over to the petitioner-financial institution within a period of one month

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from the date of receipt of a certified copy of this order. A compliance report shall be filed before the Registry of this Court within 45 days, thereafter.

5. All pending Civil Miscellaneous application(s), if any, also stand disposed of.

**(SHEEL NAGU)**  
**CHIEF JUSTICE**

**(SANJIV BERRY)**  
**JUDGE**

**16.10.2025**  
Kamal Gandhi

*Whether speaking/reasoned Yes/No*  
*Whether reportable Yes/No*