



**109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.35387 of 2024 (O&M)

Date of Decision: 08.01.2025

HIMSKAF SYSTEMS PVT. LTD. AND OTHERS

.....Petitioners

Versus

STATE BANK OF INDIA

.....Respondent

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Ashish Pal Kaushal, Advocate for the petitioners.

Mr. Devender Rattan, Advocate for the respondent.

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ANUPINDER SINGH GREWAL, J. (Oral)

1. The petitioners are seeking direction restraining the respondent from dispossessing the petitioners from the secured asset.
2. Learned counsel for the petitioners submits that the petitioners have preferred a SA before the Debts Recovery Tribunal-II and the Debts Recovery Tribunal-II may be directed to decide the same expeditiously.
3. Learned counsel for the respondent-Bank submits that the possession of the secured asset has already been taken by the respondent on 30.12.2024 in pursuance to the order passed by the Chief Judicial Magistrate under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
4. The petition appears to have been filed on 27.12.2024 whereon defects were pointed out by the Registry. The petition was re-filed on 31.12.2024 and the counsel had recorded a note that all objections were



removed and it be put up as it is before the Hon'ble Bench.

5. The petitioner has sought a direction restraining the respondent from dispossessing the petitioner. The possession of the Secured Asset has already been taken by the respondent on 30.12.2024, the petitioner has also preferred a SA which is stated to be pending adjudication before the Debts Recovery Tribunal-II on 10.01.2025. The SA has been preferred in the year 2024 and therefore, there does not appear to be any unwarranted delay in its disposal.

6. We are of the considered view that as the petitioners have already been dispossessed and are pursuing their remedy before the Debts Recovery Tribunal, we would refrain from exercising extra ordinary writ jurisdiction at this stage.

7. The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

08.01.2025
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No