



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

CWP-35089-2025

Date of decision: 26th November, 2025

Bhagwant Kaur

... Petitioner

Versus

India Overseas Bank & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present: Mr. Vikas Singh, Senior Advocate with
Ms. Anamika Sheoran, Advocate for the petitioner.
Mr. Gaurav Goel, Advocate for respondent No.1/Bank.

SHEEL NAGU, CHIEF JUSTICE (ORAL)

1. Petitioner/borrower, is before this Court assailing the auction proceedings conducted on 30.10.2025, whereafter the third party rights appear to have been created due to auction purchaser stepping in.

2. The Apex Court has time and again held that High Courts should refrain from interfering under Article 226 of the Constitution in SARFAESI proceedings. The SARFAESI Act, 2002 is a complete Code which not only provides for a detailed recovery mechanism but also remedies before the Debts Recovery Tribunal (DRT) and thereafter, Debts Recovery Appellate Tribunal (DRAT).

3. From the averments in the petition, it does not appear that the petitioner has availed the statutory alternative remedy of approaching the DRT and/or DRAT.

4. In view of above and the ratio laid down by Apex Court in **United Bank of India vs. Satyawati Tondon, (2010) AIR SC 3413 (Para 17, 27) ; Phoenix ARC Private Limited vs. Vishwa Bharati Vidya Mandir and others, (2022) 5 SCC 345 (Paras 10, 21) ; PHR Invent Educational Society versus UCO Bank and others, 2024 (6)SCC 579 (Paras 22 to 41)**, this Court refrains from exercise of jurisdiction under Article 226 of Constitution. Further, the principle of *Rule of Alternate Remedy* has been reaffirmed and bolstered recently by Apex Court in **Leelavathi N. and Others vs State of Karnataka and others, 2025 SCC online SC 2253 (Para 34-37)**.

5. The petitioner is relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT. In case the petitioner prefers an application under Section 17 of SARFAESI Act within a period of 30 days from today along with copy of this order, the same shall be considered and decided on its own merits, without being dismissed on limitation alone.

6. Accordingly, the writ petition stands disposed of with aforesaid liberty without commenting on merits, without cost.

(SHEEL NAGU)
CHIEF JUSTICE

(YASHVIR SINGH RATHOR)
JUDGE

November 26, 2025

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No