



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

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**CWP-13923-2026 (O&M)
Date of decision: 06.05.2026**

ADITYA BIRLA HOUSING FINANCE LTD**....PETITIONER****VERSUS****STATE OF PUNJAB AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR****Present :** Mr. Nakul Sharma, Advocate for the petitioner.

Mr. Raghav Goel, A.A.G. Punjab.

SUVIR SEHGAL J.(ORAL)

1. This writ petition has been filed *inter alia* for issuance of a writ in the nature of mandamus directing Chief Judicial Magistrate, Kapurthala to decide the application, Annexure P-5, filed by petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act').

2. Counsel for the petitioner submits that respondents No.3 and 4 had availed a loan facility from the petitioner-financial institution and had mortgaged immovable property. Counsel asserts that due to continuous default in repayment, loan account was classified as NPA on 01.06.2025. A notice under Section 13(2) of SARFAESI Act was issued on 19.06.2025 (Annexure P-3), followed by a notice under Section 13(4) of SARFAESI Act dated 12.09.2025 (Annexure P-4),



whereafter symbolic possession of the secured asset was taken. Counsel states that petitioner moved an application, Annexure P-5 under Section 14 of SARFAESI Act in September, 2025 before the Chief Judicial Magistrate, Kapurthala, which is still pending. Counsel has made a reference to the statutory provisions and has urged that the application has to be decided within the time frame provided in the statute.

3. Advance copy of the petition has been served upon the official respondent(s)-State.

4. On asking, Mr. Raghav Goel, A.A.G. Punjab counsel has put in appearance on behalf of respondent(s)-State. He does not have any instructions.

5. In view of the observations of this Court in Bank of Maharashtra vs. District Magistrate, Hisar and others, 2024(2) PLR 346 as well as in IIFL Home Finance Limited vs. State of Haryana and others, Law Finder Doc ID #2875322, writ petition is disposed of with a direction to Chief Judicial Magistrate, Kapurthala, to decide the application, Annexure P-5 as expeditiously as possible, preferably within a period of 60 days from the date of communication of copy of this order, unless there is any legal impediment in doing so.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

(SUVIR SEHGAL)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

06.05.2026
Vishal Vardhan

Whether speaking/reasoned : Yes/No
Whether Reportable. : Yes/No