

2026:PHHC:008048-D8



CWP-7991 of 2018 (O&M)

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

(1)

**CWP-7991 of 2018 (O&M)
Date of decision: 19.01.2026**

GURCHARAN KUMAR SETHI

....Petitioner

V/S

ALLAHABAD BANK AND OTHERS.

... Respondents

(2)

**CWP-26280 of 2018 (O&M)
Date of decision: 19.01.2026**

RANJAN AGRAWAL

....Petitioner

V/S

ALLAHABAD BANK AND OTHERS.

... Respondents

(3)

**CWP-12821 of 2016 (O&M)
Date of decision: 19.01.2026**

DR. PURAN CHAND DHARAMARTH TRUST (REGD.)

....Petitioner

V/S

DEBTS RECOVERY TRIBUNAL-II, CHANDIGARH AND OTHERS.

... Respondents

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

Present: Mr. Aalok Jagga, Advocate (Arguing Counsel)
Mr. Harkirat S. Jagdev, Advocate for the petitioner in
CWP Nos. 7991 of 2018, 26280 of 2018 and 12821 of 2016.

Mr. Rajiv Joshi, Advocate for the respondent/Bank.

Mr. Vishal Aggarwal, Advocate (Arguing Counsel)
Mr. Hritik Sharma, Advocate for respondent no.3

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Mr. Sunil Chadha, Senior Advocate (Arguing Counsel)
with Mr. Kashish Aggarwal, Advocate for respondent no. 5
in CWP No. 7991 of 2018 and CWP No. 26280 of 2018
and respondent no. 4 in CWP No. 12821 of 2016.

Mr. Neeraj Gupta, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. Mr. Aalok Jagga, Advocate, has appeared and filed Power of Attorney in CWP No. 12821 of 2016, which is taken on record.
2. These three petitions, bearing CWP No. 12821 of 2016 (filed by the petitioner/borrower), CWP No. 7991 of 2018, and CWP No. 26280 of 2018 (filed by the petitioner, who is one of the trustees of the borrower and also a guarantor), challenge the notices issued u/s 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act') as well as the recourses taken by the respondent-Bank u/s 13(4) of the SARFAESI Act.
3. While entertaining this petition, this Court passed an interim order dated 25.11.2019, staying the auction of the secured asset, i.e. Residential House No. 3302, Sector 23-A, Gurugram. The interim order dated 25.11.2019 continues to subsist till date.
4. In respect of CWP No. 7991 of 2018, petitioner-guarantor has expired. No application for substitution of legal heirs was filed within the prescribed period of 90 days. Therefore, in terms of the local amendment in Volume I, Chapter 21 of the High Court Rules and Orders, incorporating Order XXII Rule 3(2), CWP No. 7991 of 2018 is also being disposed of. For ready reference and convenience, the amended Order XXII Rule 3(2) is reproduced below:

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Order XXII, Rule 3 – Procedure in case of death of one of several plaintiffs or of sole plaintiff:-

(1) X X X X X

(2) Where within the time limited by law no application is made under sub-rule (1), the suit shall not abate as against the deceased plaintiff, and the judgment may be pronounced notwithstanding his death, which shall have the same effect as if it had been pronounced before the death took place, and the contract between the deceased and the pleader shall continue to subsist.

5. In view of the above and considering the fact that the Debts Recovery Tribunal (DRT) and Debts Recovery Appellate Tribunal (DRAT) are functional and that disputed questions of fact are involved which ought not to be adjudicated in writ jurisdiction, this Court declines interference on merits and relegates the parties to avail appropriate remedies before the DRT/DRAT, as the case may be.

6. The rival parties shall be at liberty to raise all permissible legal defences and objections, including objections relating to limitation before the DRT/DRAT.

7. Interim relief in the present petition, shall continue till the DRT takes fresh decision on the question of interim relief, provided the petitioner approaches the DRT within 30 days, failing which the interim relief shall lose its effect. It is made clear that if petitioner approaches the Tribunal within the prescribed stipulated time, then this order shall not prejudice the mind of Tribunal while deciding the question of interim relief, if admissible to the petitioner. We further make it clear that the Tribunal shall decide the request for interim relief strictly on merits of the matter, without being influenced by the

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CWP-7991 of 2018 (O&M)

fact of petitioner having approached this Court or this Court having passed the present order.

8. With the aforesaid liberty, all these three petitions stand disposed of.

9. All pending Civil Miscellaneous Applications, if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

19.01.2026

Kamal Gandhi

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