



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-14158-2025 (O&M)

Date of decision : 16.05.2025

Chandni @ Chandni Sharma and another

... Petitioners

Versus

Debts Recovery Tribunal-III, Chandigarh and others

...Respondents

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

Present: Mr. Lovish Arora, Advocate for the petitioners.

Anupinder Singh Grewal, J. (Oral)

Learned counsel for the petitioners submits that the petitioners had purchased a flat from respondent No.6 in the year 2017 for a sale consideration of Rs.37.5 lakhs. The entire consideration was paid through cheque/RTGS. The petitioners had been assured by respondent No.6 that the flat is free from all encumbrances and no loan is pending against the said flat which is also reflected in the agreement dated 26.06.2017 (Annexure P-2). However, the petitioners later learnt that respondent No.6 had already sold the flat to respondents No.4 and 5, who had raised a loan from respondents No.2 and 3 after mortgaging the said flat. The petitioners had approached the DRT-III by preferring SA but the same was dismissed in default as their counsel did not appear. Thereafter, they engaged another counsel and filed an application for restoration of the SA but the same is pending adjudication on 17.06.2025. The petitioners had also preferred MA for preponing the date of hearing as the respondents No.2 and 3 are taking possession of the flat on 23.05.2025 and the same was dismissed. He further submits that the petitioner No.1 is a single lady and petitioner No.2 is her aged father. She does not



own any other residential property and therefore, she be protected till their MA is decided.

Issue notice to the respondents.

At the asking of the Court, Mr. D.K. Singal, Advocate puts in appearance on behalf of the respondents No.2 and 3.

The petitioner No.1 is stated to be a single lady and the petitioners had purchased a flat by paying the consideration through cheque/RTGS. They have preferred SA which had been dismissed in default and the MA for restoration is pending before the DRT-III. Therefore, we are of the considered view that it would be in the interest of justice, if the petitioners are granted interim relief till their MA is decided by the DRT.

Consequently, the petition is disposed of with a direction that the MA would be decided by the DRT-III expeditiously and until the decision in the MA, the petitioners would not be dispossessed.

It is clarified that we have not expressed any opinion on the merits of the controversy. This order shall not have any bearing on adjudication by the Tribunal/Competent Court.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

16.05.2025

Sapna

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