



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

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CWP-32196-2025 (O&M)

Date of Decision: 23.04.2026

**CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY
LIMITED**

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Sidharth Chopra, Advocate and
Mr. Manav Bajaj, Advocate, for the petitioner.

Mr. Deepak Bhardwaj, Addl. A.G., Haryana.

SUVIR SEHGAL, J. (ORAL)

1. Petitioner-finance company has approached this Court for directing the official respondents to take steps for re-possession of the secured asset in terms of order dated 27.05.2025, Annexure P-13, passed by the Chief Judicial Magistrate, Gurugram.

2. Counsel for the petitioner states that private respondent Nos.8 and 9 were extended credit facilities for which they mortgaged movable as well as immovable properties. He points out that on their failure to repay the loan amount, proceedings were initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act') and order dated 17.05.2023, Annexure P-1, was passed by the Magistrate under Section 14 of the SARFAESI Act. He submits that possession of the secured asset was



handed over to the petitioner in August, 2023 but soon thereafter, private respondents forcibly took back the possession. Counsel states that a fresh application was moved under Section 14 of the SARFAESI Act, which was accepted on 15.05.2024, Annexure P-4. As possession was not re-delivered, petitioner approached this Court and FIR No.75/2025 was registered on 14.05.2025, Annexure P-11. Counsel states that petitioner moved yet another application before the Magistrate, which was accepted on 27.05.2025, Annexure P-13 and possession was delivered to the petitioner in June, 2025. Counsel asserts that the borrowers have forcibly re-entered the premises on 07.07.2025 and complaint, Annexure P-14, was submitted before the police authorities, which has culminated into FIR No.100, dated 08.07.2025, registered under Section 190, 191(ii), 329(3) BNS, at Police Station City Gurugram. Counsel emphasis that despite all this exercise, possession has not been re-delivered to the petitioner.

3. Reply has been filed on behalf of the official respondent Nos.3, 5 and 6, wherein the official respondents have placed on record the status of FIR and have apprised the Court that borrowers have been arrested in the criminal case.

4. Counsel representing borrowers-respondent Nos.8 and 9 states that they are prepared to settle the matter with the petitioner, however, counsel for the petitioner states that as property has already been sold in auction, settlement is not possible.

5. Be that as it may, since orders have been passed under Section



14 of the SARFAESI Act and possession of the secured asset has to be re-delivered to the petitioner, writ petition is disposed of with a direction to the official respondents to re-deliver the possession of the secured asset to the petitioner within a period of 15 days, unless there is any legal impediment in doing so.

6. Pending applications, if any, shall stand disposed of.

(SUVIR SEHGAL)
JUDGE

April 23, 2026
harish

(VIKAS SURI)
JUDGE

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