WPMS/3253/2026

Shubhi Sharma --Petitioner

Versus

Punjab National Bank & others --Respondents

Hon'ble Pankaj Purohit, J.

Mr. Ramji Srivastava with Mr. Gaurav Singh, learned Counsel for petitioners.

2. Mr. Sushil Vashisth, learned S.C. for the State.

3. Mr. Ashish Joshi, learned Counsel for respondent-Bank.

4. Petitioner has sought a writ of certiorari seeking to quash the sale notice dated 25.09.2026 along with entire proceedings initiated by respondent nos.1 and 4 under the SARFAESI Act in respect of residential flat in which petitioner is presently residing.

5. Facts of the case are that petitioner's husband borrowed a housing loan from respondent-Bank in respect of subject flat being Flat No.5104, Block D (BT-4), Jurs Country, Jwalapur, District Haridwar. By lapse of time, some matrimonial issues arose between the petitioner and her husband (respondent no.2) due to which respondent no.2 left the subject property and shifted to Gujarat where he is residing at present whereas petitioner is still having that place of abode with her. The bone of contention is that respondent no.2 stopped paying installments of housing loan due to which the said property was declared as 'Non-Performing Asset'; thereafter proceedings under the SARFAESI Act were issued and a demand notice dated 30.05.2026 u/s 13(2) of the aforesaid Act r/w Rule 3 of Security Interest (Enforcement) Rules, 2002 was issued calling upon the borrower to pay a sum of Rs.28,61,240/-. Thereafter, for non-payment of amount, demanded in notice, respondent-Bank

proceeded further and issued the possession notice *qua* subject property and subsequently, issued sale notice proposing to sell the secured asset.

6. Learned Counsel for the petitioner candidly submits before the Court that the petitioner is ready and willing to repay the amount under debt provide she is permitted to repay the same in equal monthly installments.

7. Learned Counsel appearing for respondent-Bank has no serious objection to the aforesaid prayer. But he insisted that some payment at least Rs.9 lakhs be paid by petitioner within 15 days to show her *bona fides*.

8. In such view of the matter, I dispose of this writ petition by issuing the following directions: -

A. Petitioner shall deposit a sum of Rs.8.00 lakhs with the respondent-Bank within a period of 15 days from today i.e. on or before 11.11.2026.

B. Balance amount, inclusive of interest, shall be paid by petitioner in four equal quarterly installments of Rs.5,00,000/- each within a total period of one year from 11.11.2026. The last installment shall carry the entire balance amount.

C. In case of violation of any of the conditions, mentioned hereinabove, respondent-Bank would be entitled to recover the entire amount by putting the subject Flat on auction.

D. Resultantly, the auction of subject Flat scheduled to be held on 03.11.2026 is kept on abeyance subject to aforesaid conditions strictly.

9. Pending application, if any, stands disposed of.

(Pankaj Purohit, J.)
27.10.2026

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