| SL. No. | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGE'S ORDERS |
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**<u>WPMS/2386/2026</u>**

Kehkasha Bi --Petitioner

**Versus**

State of Uttarakhand and another

--Respondents

**<u>Hon'ble Manoj Kumar Tiwari, J.</u>**

Mr. S.R.S. Gill, Advocate for the petitioner.

2. Mr. K.S. Mehta, Addl. CSC, Mr. Devendra Pant, Standing Counsel and Mr. Tarun Lakhera, Brief Holder for the State/respondent no. 1.

3. Mr. Anil Kumar Joshi, Advocate for respondent no. 2.

4. According to petitioner, he took a Home Loan of ₹21,90,000/- from Nainital Bank Limited in the year 2024, however, the bank has initiated recovery proceedings by invoking its power under SARFAESI Act, 2002. The relief sought in the writ petition are as follows:

*"i) issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 30-06-2026 issued by respondents authorities (contained as Annexure no. 1, page no. 13 to 19 to this writ petition.*

*ii) issue a writ, order or direction in the nature of certiorari quashing the impugned final notice for removal of personal belongings dated 07-07-2026 issued by respondent no. 2 (contained as Annexure no.2, page no. 20 to 22 to this writ petition)*

*iii) Issue a writ order or direction in the nature of mandamus directing the respondents not to take possession of the property of the petitioner pursuant to the impugned order dated 30-06-2026 issued by respondents authorities (contained as Annexure no. 1, page no. 13 to 19 to this writ* *petition and not to take any coercive measures against the petitioner's property pursuant to impugned possession notice."*

5. Learned counsel for petitioner submits that petitioner is ready and willing to repay the loan, however, due to some medical problem, there was some default in repayment.

6. Mr. Anil Kumar Joshi, learned counsel appearing for the bank, however, submits that there is another loan in the shape of Cash Credit Limit, which also was declared as NPA on 01.09.2024.

7. Learned counsel for petitioner submits that petitioner is ready and willing to repay the Home Loan as early as possible, therefore, petitioner may be permitted to repay the loan in six installments.

8. Mr. Anil Kumar Joshi, learned counsel appearing for the bank, however, submits that if petitioner is really serious about repaying the loan, then he should deposit 25% of the outstanding amount in the Home Loan account by the end of this month, then the bank will permit him to repay the remaining amount in four installments.

9. In view of consensus between the parties, the writ petition is disposed of by providing that:-

I. Petitioner shall deposit 25% of the outstanding amount towards the Home Loan on or before 31.08.2026.

II. Subject to fulfillment of the said condition, petitioner shall be permitted to deposit the remaining amount *qua* the Home Loan in four installments. The first installment shall be payable on or before

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| | | | 07.10.2026, and the remaining three installments shall be payable on or before 25.11.2026, 01.01.2027, and 31.01.2027 respectively. The last installment shall carry the component of interest also.<br><br>III. In case of any default by petitioner in abiding any of the aforesaid conditions, then the bank shall be at liberty to proceed against petitioner as per law.<br><br>10. Learned counsel for petitioner gives an undertaking on behalf of his client that his client will neither sell nor create any third party interest *qua* the secured asset, till the Home Loan is liquidated.<br><br>**(Manoj Kumar Tiwari, J.)**<br>05.08.2026<br><br>Navin<br>NAVEEN CHANDRA<br>Digitally signed by NAVEEN CHANDRA<br>DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND,<br>2.5.4.20=3be23325146e76a0642bdf4943fb9046f487df006da82a131bb4e4403d3c0a15, postalCode=263001, st=UTTARAKHAND,<br>serialNumber=18167EEFB5CA8CFFD421A103819DA875643AF56D653D095C6ED9A86DAAB21CE5, cn=NAVEEN CHANDRA<br>Date: 2026.08.05 18:41:35 +05'30' |

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