**(2021) 03 UK CK 0146**

**In the Uttarakhand High Court**

**Case No :** Writ Petition (M/S) No. 494 Of 2021

Babli & Another APPELLANT

Vs

District Magistrate, Haridwar & Another RESPONDENT

**Date of Decision :** 22-03-2021

**Acts Referred:**

**Citation :** (2021) 03 UK CK 0146

**Hon'ble Judges :** Manoj Kumar Tiwari, J

**Bench :** Single Bench

**Advocate :** Prakash Chandra, V.D. Bisen, Pradeep Kumar Chauhan

**Final Decision :** Disposed Of

## Judgement

Manoj Kumar Tiwari, J

1. Petitioners took a Housing Loan from HDFC Ltd., Dehradun of Rs. 12.00 lakh. Due to family problem, petitioners could not repay the loan, therefore, HDFC Ltd. had initiated proceedings against them for recovery of the outstanding amount. Thus, feeling aggrieved, petitioners have approached this Court, seeking following relief:-

(i) Issue a writ order or direction in the nature of mandamus directing the respondents to permit the petitioner to repay the balance loan amount within time stipulated by Hon'ble Supreme Court and not to proceed further pursuant to impugned proceedings.

2. Learned counsel for the petitioners submits that petitioners shall repay the entire loan as early as possible, however, he prays that some reasonable time be given for the purpose.

3. Learned counsel for the respondent-Bank submits that if petitioners' counsel undertakes on behalf of his clients to deposit a sum of Rs. 5.00 lakh with the Bank on or before 22.04.2021, than some reasonable time may be given to them.

4. Having regard to the facts & circumstances of the case, the writ petition is disposed of with the following directions:

(i) Petitioners shall deposit a sum of Rs. 5,00,000/-with the HDFC Ltd. on or before 22.04.2021.

(ii) If petitioners deposits Rs. 5,00,000/- within stipulated time, then HDFC Ltd. shall fix the installment for repayment of the balance amount.

(iii) If petitioners deposit Rs. 5,00,000/- within stipulated time, then possession of their secured asset will be handedover to them.

(iv) The remaining amount shall be deposited by the petitioners in three quarterly installments to be fixed by respondent-bank. Last installment shall carry interest.

(iv) In case of any default by the petitioners, they shall not be entitled to protection of this order and respondent/Bank will be free to proceed against him, in accordance with law.