

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

CR No.802 of 2016
Date of decision : 04.02.2016

State Bank of Patiala, SAMB, Chandigarh

...Petitioner

Versus

Gurdarshan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner-defendant No.3-Bank is aggrieved of the order dated 14.10.2015, whereby application filed under Order 7 Rule 11 of the Code of Civil Procedure seeking rejection of the plaint on the ground that suit ex facie barred by jurisdiction under Section 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter to be referred as 'SARFAESI Act') as amended, on the premise that in case of any dispute vis-a-vis bank, jurisdiction of the Civil Court is barred has been dismissed.

Mr. Rakesh Gupta, learned counsel appearing on behalf of petitioner-defendant No.3 submits, that it is apparent collusion between

respondent No.1-plaintiff and respondent No.2-defendant No.1 as the defendant No.1 had mortgaged the property with the bank and original sale deed is in his custody. Suit is based upon the agreement to sell executed on 22.08.2012. He submits that Bank has been injuncted in not interfering in possession which is not permissible under the law.

I have heard learned counsel for the petitioner and appraised the paper book.

In case bank is aggrieved of any injunction order, which has not been shown or attached in the present revision petition, the bank shall be at liberty to challenge the same. However, cannot seek the rejection of the suit as the lis is between respondent No.1-plaintiff and respondent No.2-defendant No.1. Bank shall be at liberty to challenge the order of injunction, if any, in case they have been injuncted in not interfering into the possession of the respondent No.1-plaintiff but the suit cannot be rejected by seeking provision of Section 34 of the SARFAESI Act.

No ground is made out in the present revision petition.

Dismissed.

04.02.2016

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**(AMIT RAWAL)
JUDGE**