

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FA No. 296 of 2018**

- Badri Prasad Kaser S/o Late Nakul Prasad Kaser Aged About 56 Years Caste Kaser, Occupation Advocate, R/o Purana College Road, Champa, Police Station And Tahsil Champa, District Janjgir-Champa, Chhattisgarh (Plaintiff), District : Janjgir-Champa, Chhattisgarh

---- Appellant**Versus**

1. Chief Manager / Authorized Officer Present Address P.N.B. (Sivni) Champa, Old Address Secured Circle Office, C.G. Medical College Road, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Branch Manager P.N.B. (Sivni) Champa, Police Station And Tahsil Champa, District Janjgir-Champa, Chhattisgarh (Defendants), District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Appellant : Shri Sudeep Verma, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

06/8/2018

1. This appeal is preferred under Section 96 of the Code of Civil Procedure, 1908 against the order dated 17.5.2017, passed by the District Judge, Janjgir Champa (CG) in Misc. Judicial Case No. 8/2017, wherein the said Court has held that Civil Court has no jurisdiction to hear the cases arising out of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002(for short 'the SARFAESI Act, 2002).

2. As per Section 34 of the SARFAESI Act, 2002, no civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter

which a Debts Recovery Tribunal or the Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act or under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993).

3. The trial Court has elaborately discussed all the aspects of the matter and recorded its finding that the Civil Court has no jurisdiction to hear the suit filed by the appellant. The order of the trial Court is based on settled law and as per the law of land which requires no interference by this Court, invoking jurisdiction of appeal. The appellant can proceed to Debt Recovery Tribunal or the appellate Tribunal as mentioned above.

4. With these observations, the appeal is liable to be and is hereby dismissed at the motion stage itself.

Sd/

(Ram Prasanna Sharma)

Judge