

112.

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

CIVIL REVISION-2440-2018

Date of decision:18.04.2018.

STATE BANK OF INDIA

... Petitioner

Versus

KIRANJIT SINGH BAWA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vikas Chatrath, Advocate, and
Mr. Khushkaran Kumar, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition under Article 227 of the Constitution of India for issuance of a direction to the trial Court to decide the application dated 05.03.2016 (Annexure P-4) filed by the petitioner-defendant (Bank) under order 7 Rule 11 CPC for rejection of plaint.

Learned counsel for the petitioner has argued that in view of Sections 34 and 35 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, Civil Court has no jurisdiction to entertain a civil suit filed by the respondent-plaintiff. Accordingly, the petitioner-defendant filed an application under Order 7 Rule 11 CPC for rejection of plaint but the same is pending consideration before the trial Court and no order thereof has been passed, despite the fact that the respondent-plaintiff has filed reply to the said application on

Without going into the controversy in the case and considering the limited prayer made in the present petition, present petition is disposed of with a direction to the trial Court to take a final call on the application filed by the petitioner-Bank under Order 7 Rule 11 CPC within two months from today.

This petition is disposed of at this stage without issuing any notice to the respondents as it would further delay the proceedings in the case. However, in case, respondents feel aggrieved by this order, they are at liberty to move application for recalling this order.

(HARI PAL VERMA)
JUDGE

18.04.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No