

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

CR-5479-2014 (O&M)

Date of decision : 14.05.2018

Punjab National Bank

..... Petitioner

Versus

Sanjiv Sharma and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. D.K.Gupta, Advocate for the petitioner.

Mr. Rohit Sud, Advocate for respondents No. 1 to 3.

Mr. K.S. Dhillon, Advocate for respondent No. 5.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 31.3.2014 passed by learned Additional District Judge, Jalandhar (Annexure P-2) affirming the order dated 11.11.2011 (Annexure P-1), passed by learned Civil Judge (Junior Division), Jalandhar vide which pending a civil suit, interim injunction was issued against the petitioner-Bank & others and defendants were restrained from proceeding against the property of the plaintiffs for recovery of the amount due against defendant No. 5.

Heard.

Learned counsel for the petitioner-Bank has argued that in this case, Debts Recovery Tribunal-II Chandigarh had passed an order dated 13.2.2008 for recovery against Manoj Babbar and Smt. Anuradha Babbar

wife of Manoj Babbar. When the equitably mortgaged property was sought to be attached, it was found that respondents No. 1 to 3 i.e. plaintiffs namely Sanjiv Sharma, Rajiv Sharma and Amit Sharma in the civil suit are in possession of the said. The said civil suit is pending before the trial Court. Both the Courts below have taken the view that the property claimed by the plaintiffs is different than the property claimed by the defendants. It is yet to be decided by leading evidence that whether the property claimed by the Bank-petitioner is same or different.

Prima facie, findings are there that it is a different property. If it is a different property, the Bank-petitioner cannot proceed against the said property.

Both the Courts below have exercised their discretion. There is no illegality or infirmity in the orders passed by both the Courts below.

In view of the matter that the interest of the Bank is involved, trial Court is directed to decide the civil suit within a period of six months.

Present revision petition stands dismissed.

(KULDIP SINGH)
JUDGE

14.05.2018

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Whether speaking / reasoned
Whether Reportable:

Yes
No