IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10687-2018
Date of Decision: May 10, 2018

ICICI Bank Limited

.....Petitioner

Versus

District Magistrate, Fatehgarh Sahib and others

......Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN

1.	**To be referred to the Reporters or not?**	**Yes/No**
2.	**Whether the judgment should be reported in the Digest?**	**Yes/No.**
3.	**Whether Reporters of local papers may be allowed to see the judgment?**	**Yes/No**

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Present: Mr.Sandeep Suri, Advocate for the petitioner.

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SURYA KANT, J.

Notice of motion to respondent Nos.1 and 2 only at this stage.

[2] Mr.Sahil Sharma, DAG, Punjab, who is present in Court, accepts notice. Let two sets of paper-book be handed over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

[3] In view of the nature of the order, which we propose to pass, there is no need to seek any counter reply from the official respondents or to serve the private respondents at this stage as no order on merits prejudicial to their interest is being passed.

[4] Petitioner-ICICI Bank Limited seeks a direction for implementation of the order dated 29.07.2015 passed by the District Magistrate, Fatehgarh Sahib, in exercise of powers under Section 14 of the

Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the SARFAESI Act'). It is not disputed by learned counsel for the petitioner-Bank that the order of the District Magistrate could not be given effect due to an *ad interim injunction* granted in a pending civil suit, in which the Bank is not a party.

[5] Since there is legal impediment for giving effect to the order passed under Section 14 of the SARFAESI Act, the writ petition is disposed of without expressing any views on merits with liberty to the petitioner-Bank to move applications before the Civil Court, namely, (i) its impleadment as a party-respondent; (ii) for vacation of stay; and (iii) to question the maintainability of the suit. The Civil Court is directed to decide those applications in accordance with law and after hearing the parties concerned as early as possible but not later than <u>two months</u> from the date of receipt of a certified copy of this order. If the Bank finds that some other suit has also been filed by the borrowers, their family members or their relatives, it may approach the said Court in the same manner, as directed above.

(SURYA KANT)
JUDGE

May 10, 2018 **(SHEKHER DHAWAN)**
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1. **Whether speaking/reasoned ?** **Yes/No**
2. **Whether reportable ?** **Yes/No**