

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.12797 of 2018.

Date of Decision: May 23, 2018

Bank of Baroda

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Gaurav Goel, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner-bank is stated to have taken measures under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 including an order passed by the Additional District Magistrate, Ludhiana dated 25.04.2017 under Section 14 of the 2002 Act for providing assistance to take physical possession of the secured assets. It is further alleged that the above-stated order is not being given effect on account of orders passed by the Civil Court, Ludhiana dated 02.02.2017 and 03.04.2018 whereby ad-interim injunction has been granted in favour of the alleged tenant of the borrower-defendant. It is averred that there are two loan accounts and two separate civil suits have been filed. In one civil suit, the bank has become party but in the second civil suit, it is yet to seek its impleadment.

Since there is a legal impediment against implementation of the order passed by the Additional District Magistrate, Ludhiana under Section 14 of the 2002 Act, the writ petition is disposed of without expressing any views on merits, with liberty to the petitioner-bank to seek its impleadment

in the second suit also and thereafter move appropriate applications before

the Civil Courts concerned for vacation of the ad-interim injunction orders and/or for rejection of the complaints in the light of Section 17(4A) of the 2002 Act. It is directed that as and when such applications are moved, the Civil Court(s) concerned shall decide the same in accordance with law and after hearing the parties, as early as possible but not exceeding two months from the date of filing. In case the ad-interim injunction orders are vacated, the district administration shall give effect to the orders passed under the 2002 Act within one month.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 23, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No