

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19311-2017

Date of Decision: March 19, 2018

AU Small Finance Bank Ltd.

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

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|----|---|---------|
| 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.Keshav Pratap Singh, Advocate for the petitioner.

Mr.V.K.Sachdeva, Advocate for respondent Nos.3 to 8.

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SURYA KANT, J.

The petitioner, a financial institution, is aggrieved by the order dated 09.08.2017 passed by the Chief Judicial Magistrate, Jhajjar, whereby its application under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the SARFAESI Act') has been dismissed. The very question of law raised in the instant writ petition is whether such an application is maintainable before the Chief Judicial Magistrate within the framework of Section 14 of the SARFAESI Act?

[2] Learned counsel for the petitioner submits that instead of requesting to decide the said question of law at this stage, he may be permitted to withdraw this writ petition with liberty to file a fresh petition

under Section 14 of the SARFAESI Act before the District Magistrate, Jhajjar. Ordered accordingly.

[3] The District Magistrate, Jhajjar, shall decide the petition in accordance with law and preferably within two months from the date of its filing.

(SURYA KANT)
JUDGE

March 19, 2018
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(SHEKHER DHAWAN)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |