

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

CWP No.30754 of 2018
Date of decision :05.12.2018

Bank of Baroda

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

AJAY KUMAR MITTAL, J.

1. The prayer made in the petition under Articles 226/227 of the Constitution of India is for quashing the orders dated 22.4.2016, Annexure P.5, 25.4.2016, Annexure P.8 and 5.8.2017, Annexure P.10 whereby the application under Order 39 Rules 1 and 2 of CPC decided by the Civil Judge (Junior Division), Ludhiana is without jurisdiction and in contravention to provisions of Section 35 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, `SARFAESI Act') read with Section 17(4) of the SARFAESI Act. A further prayer is made to direct respondent Nos.2 and 3 to pass necessary orders to dispose of the application dated 20.2.2017,

Annexure P.3, under Section 14 of the SARFAESI Act and provide the physical possession of the secured assets.

2. At the outset, learned counsel for the petitioner submitted that inadvertently challenge is made to the orders, Annexures P.5 and P.8 passed by the Civil Judge (Junior Division), Ludhiana. Accordingly, learned counsel for the petitioner prays that he may be allowed to withdraw the present petition with liberty to file a fresh one on the same cause of action by inserting proper and correct prayers.

3. Dismissed as withdrawn with liberty, as aforesaid.

(AJAY KUMAR MITTAL)
JUDGE

December 5, 2018
KD

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking / reasoned:
Whether Reportable:

Yes / No
Yes / No