

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.8188 of 2018.

Date of Decision: May 10, 2018

Kotak Mahindra Bank

.....Petitioner

versus

District Magistrate-cum-Deputy Commissioner, Ludhiana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Nitin Thatai, Advocate, for the petitioner.

Mr.Sahil Sharma, DAG, Punjab.

Mr.Arvind Rajotia, Advocate, for respondent No.7.

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Surya Kant, J. (Oral)

The petitioner-bank is struggling hard for implementation of the order passed by the District Magistrate, Ludhiana under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. No sooner this Court directed on 04.04.2018 to learned State counsel to have instructions, it is alleged that the borrower has got filed a collusive suit from his neighbour for partition of the mortgaged property in which the Civil Court has passed *status-quo* order.

Having heard learned counsel for the parties but without expressing any views on merits and keeping in view the specific plea taken by the petitioner-bank, the writ petition is disposed of with liberty to the petitioner to move applications before the Civil Court at Ludhiana for vacation of stay and/or for rejection of the plaint, if so advised. The Civil Court is directed to decide these applications within four weeks from the day of filing and the suit itself shall also be decided within *six months* and a compliance report be sent to Registrar Judicial of this Court. It is further

directed that if the Civil Court comes to a positive conclusion that the suit was collusive in nature, it shall suitably compensate the petitioner-bank. The petitioner-bank shall also be at liberty to adopt similar recourse in any litigation if so filed by family members, relatives or friends of the borrower(s).

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 10, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

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

CM No.6402 of 2018
in CWP No.8188 of 2018

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Kotal Mahindra Bank versus District Magistrate-cum-Deputy
Commissioner, Ludhiana and others

Present : Mr.Nitin Thatai, Advocate,
for the applicant-petitioner.
Mr.Sahil Sharma, DAG, Punjab.
Mr.Arvind Rajotia, Advocate,
for respondent No.7.

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and the documents (P-21 to P-26) are
taken on record.

CM stands disposed of.

(SURYA KANT)
JUDGE

May 10, 2018
mohinder

(SHEKHER DHAWAN)
JUDGE