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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 485/2016 and CM APPL. 31946/2016

AZAD SINGH SOLANKI Appellant
Through Mr.Jasmeet Singh, Adv.

versus

PUNJAB NATIONAL BANK Respondent
Through Mr.Umang Chopra, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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12.02.2018

The grievance of the appellant is with respect to the order of the Id. Single Judge, who held that the cause of action was incapable of adjudication in writ proceedings.

We had the occasion to hear the counsel for the parties on the previous date and have considered the submissions today also as well as the records. The conclusion of the Id. Single Judge, in our opinion, with respect to the adjudication of the cause of action is appropriately the subject matter of proceedings in civil court, is correct and reasonable. At the same time, this Court is of the opinion that the observations made in para 8 can tend to be prejudicial to the appellant. In the circumstances, in the event, the appellant approaches the Civil Court, the said observation as well as any other observations in the impugned order shall not be treated

as binding or conclusive and the dispute shall be considered afresh on its own merits. Furthermore, the period spent by the petitioner in pursuing the writ proceedings as well as this appeal shall be excluded for the purpose of limitation provided the civil suit is filed within six weeks from today before the Court of competent jurisdiction alongwith an application under Section 14 of the Limitation Act for this purpose.

The appeal is partly allowed in the above terms. The pending application also stand disposed off.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 12, 2018

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