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

**Civil Revision No.8361 of 2016
Date of Decision: 14.02.2019**

STATE BANK OF INDIA, JAIPUR

.....Petitioner

Vs

SAURABH VATS AND ORS

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Ashok Kumar Kaushik, Advocate
for respondents No.1 and 2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 20.07.2016 passed by the Addl. Civil Judge (Sr. Divn.) Hathin vide which the application filed by the petitioner-Bank under Order 7 Rule 11 CPC was dismissed.

[2]. In a suit filed by plaintiffs No.1 and 2, Smt. Mukhi Devi was impleaded as defendant No.2. She was proceeded against ex parte.

[3]. Perusal of the record would show that predecessor-in-interest of respondents No.1 and 2 sold the land measuring 2

Kanals 3 Marlas being 23/415th share out of 20 *Kanals 15 Marlas* of land to defendant No.2 Mukhi Devi and said Mukhi Devi had availed loan from the petitioner-Bank by pledging the aforesaid area in favour of the Bank. On account of default in repayment of loan amount, petitioner-Bank proceeded under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act') and recovery proceedings were initiated by the Bank to recover the loan amount against the aforesaid Mukhi Devi.

[4]. In the process of recovering the amount, land measuring 2 *Kanals 3 Marlas* belonging to Mukhi Devi was possessed by the Bank. Mukhi Devi could not get any interim protection from the Debt Recovery Tribunal and thereafter suit was filed by the plaintiffs/respondents No.1 and 2 for permanent injunction with the grievance that under the garb of recovery proceedings against Mukhi Devi, the Bank is contemplating to attach the share of respondents No.1 and 2.

[5]. During course of arguments before this Court, both the parties have reached to an understanding that the petitioner-Bank would only confine recovery proceedings to the identifiable portion of land measuring 2 *Kanals 3 Marlas* belonging to Smt. Mukhi Devi. The identifiable land of respondents No.1 and 2 will

not be touched.

[6]. Learned counsel further states that the plaintiffs will make necessary statement before the trial Court for the withdrawal of the suit in accordance with law.

[7]. In view of aforesaid understanding, this revision petition is disposed of.

February 14, 2019	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No