

116

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

CR No. 1058 of 2019 (O&M)
Date of Decision: 13.02.2019

Bhupinder Singh and another

-Petitioners

Vs

Asset Reconstruction Company India Limited and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jag Nahar Singh, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Evidently, an application under Order 7 Rule 11 CPC is also pending before the trial Court in which the petitioners have already filed reply.

Suit for permanent injunction has been filed seeking to restrain the defendants from creating any encumbrance or dis-possessing the plaintiffs from the suit property.

Evidently, in the application under Section 14 of SARFAESI Act, order dated 21.09.2018 has already been passed by the District Magistrate. Against the exparte award, objections filed by the petitioners were rejected.

FAO No.854 of 2016 is pending in the High Court for 08.07.2019.

Decree holder/awardee has assigned the decree/award to Magma Finance Company and thereafter, respondents have come into picture as subsequent assignee.

Petitioners can avail their remedies (if any) in pending FAO No.854 of 2016 in accordance with law. However, trial Court shall decide the pending application under Order 7 Rule 11 CPC at the earliest.

Disposed of.

13.02.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No