

III

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

CR No.2715 of 2019

Date of Decision: 09.05.2019

Priya Dhir

Petitioner

Versus

State Bank of Patiala and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Abhilaksh Grover, Advocate
for the petitioner.

AVNEESH JHINGAN, J (Oral):

Aggrieved of order dated 06.03.2019 passed by the Additional Civil Judge (Senior Division), Sultanpur Lodhi [hereinafter referred to as 'the Civil Court'], dismissing the application filed by the petitioner/plaintiff under Order VI Rule 17 of the Code of Civil Procedure, 1908, the present Civil Revision Petition has been filed.

After arguing for some time, learned counsel for the petitioner, restricts his argument to the effect that while dismissing the application, certain observations have been made with regard to merits of the case and jurisdiction of the Civil Court, his grievance is that the said observations will affect the decision of the case on merits.

The contention raised is not well founded. The observations made are only for the disposal of the application and the same cannot be construed as an expression on the merits of the case. However,

there is a serious issue with regard to jurisdiction of the Civil Court to entertain the petition, in view of provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Before proceeding further in the suit, the Civil Court is directed to decide the issue of jurisdiction at the first instance.

For the view being taken, it is not deemed necessary at this stage to issue notice to the respondents. However, in case there is any grievance to the respondents with regard to the order passed, they would be at liberty to revive the petition by moving an application.

The Civil Revision Petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

May 09, 2019

pankaj baweja

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