

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

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**CR No. 3365 of 2019
Date of Decision : 21.5.2019**

Anil Singla

.....Petitioner

v.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present : None for the petitioner

KULDIP SINGH, J. (Oral)

Present revision has been filed for setting aside the impugned order dated 15.1.2019 (Annexure P-5), whereby the civil suit filed by the petitioner under Order 7 Rule 11 CPC was dismissed.

None present on behalf of the petitioner despite second call.

I have gone through the file. The present petitioner has filed a civil suit for mandatory injunction directing the State of Punjab and the Kanungo, Bathinda to give a proper, actual and physical demarcation of land measuring 0 kanal 5 marlas. The trial Court has noticed that the property of the plaintiff was mortgaged by him with the bank. The bank has already taken steps under Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the SARFAESI Act') regarding said property by mentioning khasra number and dimensions. The trial Court while taking the note of Section 34 of the SARFAESI Act and the provisions of Section 41-H of the Specific Relief Act, came to the conclusion that the present suit is barred under Section 34 of the SARFAESI

Act.

I am of the view that once the matter is pending before the Debts Recovery Tribunal, the present suit is nothing but a delaying tactic for the purpose to delay the matter. All the matters concerning demarcation, possession are triable by Debts Recovery Tribunal and not by separate suit.

There is no illegality in the order impugned.

Revision is dismissed.

(KULDIP SINGH)
JUDGE

21.5.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No