

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

112

**CR No. 3406 of 2019
Date of Decision : 23.5.2019**

Santosh Rani

.....Petitioner

v.

Punjab National Bank and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present : Mr. Vikram Anand, Advocate, for the petitioner

KULDIP SINGH, J. (Oral)

Impugned in the present revision is order dated 28.9.2018 (Annexure P-6), passed by the learned Civil Judge (Junior Division), Kapurthala, vide which an application of the petitioner filed under Order 39 Rule 1 & 2 read with Section 151 CPC was dismissed. Also impugned in the revision is order dated 10.5.2019 (Annexure P-8), passed by the learned District Judge, Kapurthala, vide which appeal against the said order was dismissed.

Heard.

The petitioner claims that she has got a share in the property. The co-sharer mortgaged her share with the bank, which proceeded under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the SARFAESI Act') qua the said borrower. However, the present petitioner claims that she has filed a civil suit for declaration against the bank that she is already in possession of 6½ marlas of the land as mentioned in the said suit.

I am of the view that there is no illegality or infirmity in the order passed by both the Courts below. The present petitioner has only claimed for her share in the said property. The other co-sharer had obtained the loan from the bank and the bank is proceeding against the petitioner. If the petitioner feels that he is in possession and she wants to protect the same, she can approach the Debts Recovery Tribunal under Section 17 of the SARFAESI Act. The jurisdiction of the Civil Court was rightly held to be barred.

No ground is made out for interference in the impugned orders.

Dismissed with liberty to the petitioner to approach the Debts Recovery Tribunal.

(KULDIP SINGH)
JUDGE

23.5.2019

Ashwani

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