

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

CR-1665-2020(O&M)

Date of decision: 12.03.2020

**REGIONAL MANAGER CANARA BANK AND OTHERS
.....Petitioners**

Versus

VIRENDER

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Pancham Sharma, Advocate for
Mr. Brijesh Sharma, Advocate for the petitioners

ANIL KSHETARPAL, J. (ORAL)

The plaintiff is an auction purchaser of property from the Bank in a public auction. The plaintiff has filed the present suit for declaration with consequential relief of mandatory injunction to refund the amount deposited by him. It is being claimed by the plaintiff that property auctioned has a defective title. The Bank filed an application under Order 7 Rule 11 CPC which has been rejected by the Court on the ground that from the reading of the plaint it is not possible to conclude that the Civil Court does not have jurisdiction.

This Court has heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that as per Section 34 of the Securitization and Reconstruction of Financial Assets and Re-enforcement of Security Interest Act, 2002 (hereinafter referred to as the '2002 Act') the jurisdiction of the Civil Court is barred.

On careful reading of Section 34 of the 2002 Act, it is apparent that the jurisdiction of the Civil Court is barred to entertain any suit or proceedings in respect of any matter which the Debt Recovery

Tribunal or an Appellate Tribunal is empowered by or under the 2002 Act to entertain and decide. Learned counsel for the petitioner was requested to indicate as to how the dispute involved in the present suit falls within the scope of Debt Recovery Tribunal or Appellate Tribunal, however, learned counsel has failed to give any satisfactory reply. Hence, no ground to interfere is made out.

Dismissed.

12.03.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No