

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-11-2021

(Heard through VC)

Date of decision: 19.01.2021

AU Small Finance Bank Limited and others
V/s.

.....Petitioners

Kamlesh and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Nitin Thatai, Advocate for the petitioners.

Ritu Bahri, J. (Oral)

By this revision, the petitioners are seeking direction to the trial Court to dispose off/decide application filed by them under order 7 Rule 11 CPC for rejection of the plaint (Annexure P-6) in *Civil Suit No. 940/2019* titled as *Kamlesh and another V/s. AU Small Finance Bank and others* dated 17.11.2020 (Annexure P-4) pending in the Court of Ld. Additional Civil Judge (Senior Division) Abohar.

Learned counsel for the petitioners has informed that earlier application under Order 7 Rule 11 CPC was fixed for 08.01.2021 before the Ld. Additional Civil Judge (Senior Division) Abohar and today he has been informed that the said application has been listed for 11.02.2021.

The petitioners have to recover loan of almost Rs.2.5 Crores from the respondents/plaintiff and being a banking company under Section 2(1)C of Securitization Assets Reconstruction & Enforcement of Security Interest Act (in short "SARFAESI Act"), the above referred suit is not maintainable.

Without commenting anything on the merits of the case, this revision is being disposed of by giving direction to the Additional Civil

Judge (Senior Division) Abohar to finally decide the application under Order 7 Rule 11 CPC (Annexure P-6) expeditiously keeping in view the reply has already been filed.

19.01.2021

Divyanshi

**RITU BAHRI
(JUDGE)**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No