

CWP-5237-2021

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

(PROCEEDINGS THROUGH V.C.)

CWP-5237-2021

Date of Decision: 05.03.2021

Bank of Baroda

...Petitioner

Versus

State of Punjab & others

...Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Varun Verma, Advocate
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner – Bank has approached this Court assailing the order dated 22.12.2020 (Annexure P-54) passed by the Additional District Magistrate, Ludhiana, whereby the application moved under Section 14 of the SARFAESI Act, for handing over the physical possession of the mortgaged property, has been declined in the light of the fact that the Civil Court at Ludhiana, vide order dated 28.08.2019, has proceeded to stay the dispossession/interference in the possession of alleged tenant – Rana Partap Singh in the property in question.

Keeping in view the facts and circumstances of the present case and also in the light of the fact that the learned counsel for the petitioner states that the petitioner – Bank would move an appropriate application

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before the Court, where the civil suit is pending, highlighting therein the aspect that the said suit is not maintainable in the light of the specific bar as provided under the SARFAESI Act and as a consequence thereof, for vacation of the stay order granted in favour of tenant – Rana Partap Singh, this Court permits the petitioner to withdraw this writ petition with liberty to move such an application before the Civil Court.

If such an application is moved by the petitioner, the same shall be entertained by the said Court and decided within a period of four weeks from the date of moving such application.

With these observations, the present writ petition is disposed of as withdrawn with liberty to the petitioner to move an appropriate application before the Civil Court, which shall proceed to take a decision thereon as per order above.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

05.03.2021

Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No