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CR-1835-2020

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

CM-9286-CII-2020 in/and
CR-1835-2020
Date of decision: 06.01.2021

Ravinder Singh

..... Petitioner (s)

V/s.

Laxmi Devi and another

..... Respondent (s)

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. J.P. Sharma, Advocate, for the petitioner.

Mr. Shashi Kant Gupta, Advocate, for respondent No.1.

Mr. D.K. Gupta, Advocate, for respondent No.2.

Sanjay Kumar, J. (Oral)

This revision, filed under Article 227 of the Constitution, arises out of the order dated 07.03.2020 passed by the learned Additional District Judge, Narnaul, in Civil Appeal No. 91 of 2020. The petitioner is the appellant in the said appeal. By the order under revision, the Appellate Court denied him the interim relief of an injunction under Order 39 Rules 1 and 2 CPC pending the appeal.

By order dated 19.03.2020 this Court directed the parties to maintain *status quo* with regard to the suit property.

While so, CM No. 9286 of 2020 was filed by the second respondent, viz., Punjab National Bank, Branch Nasibpur, Tehsil Narnaul, District Mahendergarh, Haryana, seeking recall of the said *status quo* order.

With the consent of the learned counsel appearing for the parties, the main revision itself is taken up for hearing today.

The petitioner claims to be a tenant in the suit property belonging to the first respondent under Rent Note dated 30.08.2018. Admittedly, the suit property was offered by the first respondent to the second respondent bank as security, to enable M/s. Ramesh Food Industries to avail credit facilities in the year 2015. The first respondent therefore stood as a guarantor for repayment of the loan. Owing to default in such repayment, the Bank initiated proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act of 2002'), vide demand notice dated 13.10.2017 issued under Section 13(2) thereof. Symbolic possession of the mortgaged property was taken by the Bank on 15.01.2018. The learned District Magistrate, Mahendergarh, passed order dated 03.03.2018 under Section 14 of the Act of 2002 to enable taking over of the physical possession of the secured assets.

While so, the petitioner filed a civil suit before the learned Civil Judge (Senior Division), Narnaul, seeking a permanent injunction restraining the first respondent herein from interfering with his occupation and possession over the suit property. However, the Bank intervened in the suit proceedings and the suit plaint itself came to be rejected on 02.03.2020 by the trial Court.

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Aggrieved thereby, the petitioner preferred a regular first appeal in CA No. 91 of 2020 before the learned Additional District Judge, Narnaul. By the order under revision, the Appellate Court denied interim relief to the petitioner by way of an injunction.

In the light of the aforestated facts, the provisions of Section 13(13) of the Act of 2002 and the bar to the jurisdiction of Civil Courts under Section 34 of the Act of 2002, it is clear that the issue of the maintainability of the suit instituted by the petitioner weighs heavily against him. In such a situation, no grounds are made for this Court to grant any interim relief to the petitioner pending the disposal of his appeal. All the more so, when the Appellate Court considered this aspect of the matter cogently and denied him such relief. In effect, no grounds are made out for interference with the order of the Appellate Court, presently under revision.

The revision is therefore devoid of merit and is accordingly dismissed.

Interim order of *status quo* dated 19.03.2020 shall stand vacated.

No separate order need be passed in CM No.9286 of 2020 in the light of this final order. The application is accordingly disposed of.

No order as to costs.

06.01.2021
rakesh

(SANJAY KUMAR)
JUDGE

whether speaking	:	Yes/no
whether reportable	:	Yes/no