

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

116

**CR No.2257 of 2021
Decided on : 07.10.2021**

Punjab National Bank

... Petitioner

Versus

Sh. Bhupesh Gupta & another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.C.S.Pasricha, Advocate, for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present revision petition, filed under Article 227 of the Constitution of India, is to the limited extent that the application filed under Order 7 Rule 11 CPC for rejection of plaint by the petitioner-defendant, be decided within a specified time-frame. Same is based on the ground that there is an interim order in favour of the plaintiffs dated 27.04.2018 (Annexure P-2).

It is the case of counsel for the petitioner-Bank that in the suit filed by the plaintiffs who claims to be a tenant, challenge had been raised to the proceedings for delivery of possession under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the 'Act'). The borrower was arrayed as defendant No.2. It is submitted that an application for rejection of plaint was filed on the ground that under Section 17(4-A) of the Act, the rights of the tenant have also to be determined by the Tribunal and therefore, the jurisdiction of the Civil Court was barred and the plaint was liable to be rejected. It is submitted that the application was filed on 16.05.2018 and reply was not being filed by defendant No.2, with the intent to delay the proceedings, which would be clear from the zimni order dated 20.09.2021. It is further pointed out that even on 27.09.2021, the case had been kept for filing of reply by the said defendant to the said application.

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Keeping in view the relief which is claimed, this Court does not feel it necessary to issue summons to the respondents as it would only delay the decision making process and this Court is only exercising its powers of superintendence, in the peculiar facts and circumstances of the case.

Accordingly, this Court is of the opinion that considerable time has gone by since the application under Order 7 Rule 11 CPC has been filed. Since public interest is involved as public funds are also subject matter of the Civil Suit, it would be just and expedient if the Civil Court takes steps to decide the application expeditiously and preferably within 4 weeks from the date of receipt of the certified copy of this order.

October 7, 2021
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No