

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

212

Civil Writ Petition No.20370 of 2020

Date of Decision: March 9th, 2021

Indian Overseas Bank

...Petitioner

Versus

State of Haryana and others

...Respondents

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

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

Ms. Shubhra Singh, Additional Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

We have considered the submissions made by the counsel for the parties.

2. Learned counsel for the petitioner submits that the Civil Court did not have jurisdiction to entertain Civil Suit No.271 of 2019, which has been preferred by one Anita Rani against M/s Vishesh Woolen Mills Private Limited-respondent No.5 for injunction as provided under Section 17 (4-A) of the SARFAESI Act, 2002 being barred. Assertion has also been made that the interim order, which has been passed in favour of the said plaintiff-Anita being not in accordance with law, cannot sustain.

3. Petitioner has moved an application under Order I Rule 10 CPC on 03.08.2019 in Civil Suit No.271 of 2019, which is pending before the Additional Civil Judge (Senior Division), Samalkha, with no decision thereon till date. By this, the plaintiff therein, is succeeding in frustrating the intent and purpose for which the SARFAESI Act was enacted. It is, therefore, asserted that the application so moved by the petitioner be decided at an early date.

He states that the petitioner would also move an appropriate application highlighting the aspect with regard to there being a complete bar on the jurisdiction of the Civil Court to entertain matters, which would fall under the provisions of SARFAESI Act, 2002.

4. In case the petitioner approaches the Additional Civil Judge (Senior Division), Samalkha, where Civil Suit No.271 of 2019 is pending, the said Court shall take a decision on the application under Order I Rule 10 CPC filed by the petitioner within a period of two weeks of the date already fixed before the trial Court.

5. In case an application is moved by the petitioner with reference to the jurisdiction of the Civil Court being barred, the said application be also decided within a period of two weeks from the date of filing of such application.

6. With these observations/directions, the present writ petition stands disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 9th, 2021
Puneet

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No