

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

CWP No. 14895 of 2022

Date of Decision: July 14, 2022

Inderpreet Kaur and another

...Petitioners

Versus

Punjab National Bank

...Respondent

**Coram: Hon'ble Mr. Justice M.S. Ramachandra Rao
Hon'ble Mr. Justice H.S. Madaan**

Present:- Mr. Anand Chhibbar, Sr. Advocate with
Mr. Shikhar Sarin, Advocate and Mr. R. Kartikeya, Advocate
for the petitioners.

M.S. Ramachandra Rao, J. (Oral)

Notice of motion.

Mr. RS. Bhatia, Advocate accepts notice for the respondent.

In this Writ Petition the petitioners have sought to interdict proceedings in OA 1736 of 2018 filed by the respondent against them before the DRT II Chandigarh on the ground that they had allegedly not created any mortgage of any asset in favour of the respondent bank, but wrongly they have been arrayed as parties in the OA 1736 of 2018 by the respondent bank.

They had also filed an application before the DRT II Chandigarh to defer proceedings in the said Tribunal pending determination of issues which are alleged also to have been raised in a criminal case F.I.R.

No. 6 dt.5.2.2019 before the competent criminal Court.

By order dt.2.7.2022, the Presiding Officer of the DRT II Chandigarh rejected the said plea observing that proceedings before the Tribunal cannot be kept in abeyance merely for awaiting the outcome of the criminal trial, the finality of which may be reached after decades in view of the provisions of appeal etc.

We are of the opinion that this view of the Presiding Officer of DRT II Chandigarh cannot be found fault with.

However it is open to the petitioners, if they are so advised, to move an appropriate application under Order 7 Rule 11 CPC for rejecting the OA as against them; and if such application is filed, the same shall be considered on its own merits by the DRT II Chandigarh, and appropriate orders in accordance with law be passed.

With these observations, the Writ Petition is disposed of.

(M.S. Ramachandra Rao)
Judge

(H.S. Madaan)
Judge

July 14, 2022

P.Singh

Whether speaking/reasoned?

Yes/No

Whether Reportable?

Yes/No