

CWP No.18832 of 2022
Date of Decision: 29.08.2022

State Bank of India

.....Petitioner

Versus

Surinder Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vikas Chatrath, Advocate,
Ms. Nishtha Grover and Mr. G.K. Sidhu, Advocates,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari for quashing of order dated 08.03.2022 (Annexure P-5) passed by learned Permanent Lok Adalat (Under Public Utility Services) Chandigarh in application No.225/2019 in Surinder Kumar Vs. SBI and others, with certain other prayers made in the present petition.

It is submitted by the counsel for the petitioner that the application of the petitioner has been dismissed by the Permanent Lok Adalat on the ground which is totally alien to pleadings raised by the petitioner before the Permanent Lok Adalat in its application. It is not even the pleadings in the application that the CPC is applicable and hence the Permanent Lok Adalat did not have the jurisdiction. However, the Permanent Lok Adalat has, still, rejected the application by saying that it is

not bound by the provisions of CPC. Hence, the application moved by the petitioner has been rejected on a ground which was not involved in the application, whereas, the issues raised by the petitioner in the application have not been considered and decided by the Permanent Lok Adalat.

After hearing learned counsel for the petitioner and perusing the application filed by the petitioner before the Permanent Lok Adalat, this Court finds substance in the arguments raised by the counsel for the petitioner. A perusal of the application filed by the petitioner before the Permanent Lok Adalat shows that the same was filed contesting the claim of the respondents on the ground of lack of jurisdiction in view of the provisions contained in Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, involvement of disputed questions of fact and on the ground of limitation. However, none of these grounds have even been mentioned in the order impugned in the present petition. Therefore, it would be appropriate to set aside the order and to remand the matter to the concerned Permanent Lok Adalat for consideration on the application afresh and to pass the order, in accordance with law.

Accordingly, the present writ petition is allowed. The impugned order is set aside. The matter is remanded to the concerned Permanent Lok Adalat with a direction to pass afresh order; after considering the grounds taken by the petitioner in its application moved before the Permanent Lok Adalat.

However, it is clarified that the order being passed by this Court shall not be taken as in favour of the petitioner or against the opposite

party, in any manner whatsoever. The Permanent Lok Adalat would be required to pass the order by assessing the arguments independently; without being affected with any observations made in this order.

(RAJBIR SEHRAWAT)
JUDGE

29.08.2022
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No