

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
CR 409 – 2023 (O&M)
Date of decision : 20.1.2023

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Shree Raghunath Mandir and Gaushala SocietyPetitioner
vs.

Swami Vivekananda Educational & Chairtable Trust and others
.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sourabh Singla, Advocate for the petitioner.
Ms. Madhu Dayal, Advocate for the respondent - bank

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H. S. Madaan, J. (Oral)

After arguing for some time, learned counsel for the revision petitioner states that he would be satisfied if a direction is issued to the trial Court to decide the application under Order 39 Rules 1 and 2 CPC, filed by him for grant of ad interim injunction expeditiously.

Whereas, learned counsel appearing for respondent - bank states that a big fraud has been played by the plaintiff by filing a suit alleging that it is in possession of the suit property, whereas in fact possession of the property is with State Bank of India and being mortgagee, such bank has already taken possession under Section 14 of the SARFAESI Act. She submits that the bank intends to file an application under Order 7 Rule 11 CPC, for rejection of the plaint.

Therefore, the revision petition is disposed of with a direction to the trial Court to dispose of the application under Order 39 Rules 1 and 2 CPC, filed by the plaintiff and application under Order 7 Rule 11 CPC, as and when moved by the defendant-bank, expeditiously.

20.1.2023
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes/ No
Yes/ No