

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7829 of 2017 (O&M)

Date of Decision: 07.12.2023

M/s R.S.M. Resorts

... Petitioner(s)

Versus

Parveen Kumar and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kul Bhushan Raheja, Advocate
for the petitioner(s).

Mr. Abhishek Singla, Advocate
for Mr. Vikas Chatrath, Advocate
for the respondent No.5.

Anil Kshetarpal, J.

1. An application filed by the State Bank of Patiala (now State Bank of India) for its impleadment in a pending suit for permanent injunction. It was claimed by the bank that the property is lying mortgaged with the bank as M/s Pure Food Limited availed various credit facilities. It was also asserted that on account of the default in repayment of the loan, the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, have been initiated and the matter is pending before the Debt Recovery Tribunal. The Court below, after considering all the facts, allowed the application filed by the bank. The correctness of the aforesaid order has been challenged in this revision petition.

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the plaintiff being *dominus litis* cannot be forced to contest the suit against a third party. He submits that in a suit for permanent injunction, only a relief of injunction is to be decided, therefore, the bank is not the necessary party.

3. On the other hand, the learned counsel representing the respondent submits that pursuant to the orders passed by the Debt Recovery Tribunal, the possession of the property has already been taken over and sold.

4. The rule of *dominus litis* is an absolute rule. It admits only certain exceptions. In this case, a nationalized bank claims that the property in dispute has been mortgaged and the matter is pending before the Debt Recovery Tribunal for recovery of the loan amount. In these circumstances, the bank has a right to be heard.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

December 07, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No