

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-3995-2023 (O&M)
Date of Decision : 28.07.2023

Ujjivan Small Finance BankPetitioner

Versus

Jogender SinghRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Kaveesh, Advocate for the applicant/petitioner.

NAMIT KUMAR, J. (ORAL)

CM-12871-CII-2023

Prayer in the present application filed under Section 151 of CPC is for placing on record all the zimni orders passed by the trial Court and for exemption from filing certified copies of the same.

Allowed as prayed for subject to all just exceptions.

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1. The instant revision petition has been filed by the petitioner impugning the order dated 29.03.2022 (Annexure P-1) passed by the Court of learned Civil Judge (Junior Division), Panipat whereby it has been ordered that status quo over the suit property regarding alienation and possession be maintained by both the parties. Further directions have been sought for issuance of appropriate directions to the Trial Court to decide the application filed by the petitioner/defendant under Order 7 Rule 11 read with Section 151 CPC and Section 34 and 35 of

the SARFAESI Act in a time bound manner.

2. Learned counsel for the petitioner has referred to the order dated 11.05.2022 whereby learned Trial Court while accepting the application of the petitioner/defendant filed under Order 9 Rule 13 CPC for setting aside the exparte order dated 29.03.2022, set aside the order dated 29.03.2022 and petitioner/defendant has been granted time to file their written statement and reply to the injunction application.

3. Learned counsel for the petitioner further submits that the suit filed by the respondent/plaintiff is not maintainable in view of the provisions of Section 34 and 35 of the SARFAESI Act and therefore, the petitioner/defendant has moved an application under Order 7 Rule 11 read with Section 151 CPC and Section 34 and 35 of the SARFAESI Act for rejection of the plaint and the said application is pending since 07.09.2022. Since the interim injunction granted vide order dated 29.03.2022 is affecting the rights of the petitioner/defendant, therefore, time bound directions may be issued to learned Trial Court to decide the said application.

4. Keeping in view the peculiar facts and circumstances of the present case and the fact that the interim injunction order dated 29.03.2022 is affecting the rights of the petitioner/bank and the application filed under Order 7 Rule 11 read with Section 151 CPC and Section 34 and 35 of the SARFAESI Act is pending since 07.09.2022, it would be appropriate to issue directions to the Trial Court to consider and decide the said application within a period of 03 months from

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today.

5. With the above-said directions, the instant revision petition is disposed of.

28.07.2023
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(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No