

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

148

2023:PHHC:104036

CR-2538-2021
Date of decision: 10.08.2023

VARTHANA FINANCE PRIVATE LIMITED ..Petitioner
Versus

LAKHMI CHAND AND ORS. ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nitin Thatai, Advocate
for the petitioner.

Mr. B.K. Bagri, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. An application filed by the defendant (petitioner here) under Order VII Rule 11 of the Code of Civil Procedure, 1908 to reject the plaint in view of the bar to the jurisdiction of the Civil Court under Section 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the '2002 Act'), has been dismissed by the trial Court without even advertng to Section 34 of the 2002 Act, which was the sole basis of the application.
2. Upon realizing this fact, the learned counsel representing the parties pray that the present petition be disposed of while directing the trial Court to decide the application afresh, within a period of six weeks, from today.
3. Ordered accordingly.
4. All the pending miscellaneous applications, if any, are also disposed of.

August 10th, 2023

(ANIL KSHETARPAL)
JUDGE

Ay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No