

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-23761-2021 ((O&M))
Date of decision: 21.02.2023**

Bank of Maharashtra

... Petitioner

Vs.

District Magistrate, Panipat & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.
HON'BLE MR. JUSTICE SANJIV BERRY.**

Present: Mr. J.S. Bagga, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. Gaurav Verma, Advocate for respondent No.3.

Mr. Gaurav Malhotra, Advocate for
Mr. Ashwani Talwar, Advocate for respondent No.4.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Bank of Maharashtra has filed the instant petition seeking a mandamus directing the official respondents to get physical possession of the mortgaged property towards execution and implementation of the order dated 03.12.2019 (Annexure P-4) passed by the District Magistrate, Panipat on an application filed under Section 14 of the SARFAESI Act.

Upon notice of motion having been issued, a written statement of the Tehsildar, Panipat for and on behalf of respondents No.1 and 2 has been filed and placed on record. Copy thereof has also been furnished to counsel opposite.

The categorical stand taken in the written statement is that a **Civil Suit bearing No.1796 of 2019** titled as **Satya Narain Singh Vs. M/s H.R. Polycot & others** was filed in the year 2019 and in which a status quo order has been passed on 20.12.2019.

It is submitted that it is such status quo order dated 20.12.2019 that is coming in the way of execution of the order dated 03.12.2019 (Annexure P-4) passed by the District Magistrate concerned.

Counsel for the creditor-Bank at this stage submits that an application for impleadment as party in the suit has been filed and which is still pending consideration.

In the considered view of this Court, it is for the Bank to make earnest efforts to first get impleaded and thereafter seek vacation of the injunction order on the purported ground of the bar contemplated under Section 34 of the SARFAESI Act.

In the light of the factual position as obtaining as of date, no intervention in the matter at this stage is warranted.

Petition is disposed of.

Liberty is granted to the petitioner/Bank to move an appropriate application seeking revival of the instant petition as and when the status quo order is vacated.

(TEJINDER SINGH DHINDSA)
JUDGE

(SANJIV BERRY)
JUDGE

21.02.2023

harjeet

(i) Whether speaking/reasoned?	Yes/No
(ii) Whether reportable?	Yes/No