

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

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2023:PHHC:128333

CR-7060-2019

Date of decision: 04.10.2023

STATE BANK OF INDIA

..Petitioner

Versus

CHANDER PRABHA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Chatrath, Advocate
for the petitioner.

Mr. Rajinder Goel, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. An application filed by the petitioner-bank 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 Securities Interest Act, 2002 (hereinafter referred to as the '2002 Act'), has been dismissed vide order dated 03.10.2019. The correctness of the aforesaid order has been challenged in this revision petition by the bank. The learned counsel representing the petitioner-bank admits that the provisions of the 2002 Act are not applicable.

2. The respondent herein is an auction purchaser of the property. He has filed a suit claiming that on account of the Court action, he purchased the property by paying huge sale consideration but the property which was sold, was already transferred.

3. The learned counsel representing the respondent has submitted that the application was filed when the plaintiff had already concluded his

evidence and defendant's evidence was being recorded.

4. This Court has considered the matter.
5. Admittedly, the application was filed under a wrong provision.
Moreover, the trial of the case is at a very advanced stage.
6. Keeping in view the aforesaid facts, the revision petition is disposed of by directing the trial Court to decide the issue of maintainability of the suit, which has already been framed by the trial Court while deciding the main case.
7. All the pending miscellaneous applications, if any, are also disposed of.

October 04th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*