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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4086-2024

Date of Decision:- 01.04.2024

Bank of Maharashtra

....Petitioner

Vs.

District Magistrate, Panipat and Ors.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. K.K.Goel, Advocate for the petitioner.

Mr. Sukhdeep Parmar, Sr. DAG, Haryana.

LISA GILL, J.

1. Prayer in this writ petition is for directing respondents No.2 and 3 to implement order dated 03.12.2019 (Annexure P-3) passed by respondent No.1 for taking physical possession of mortgaged property in favour of petitioner as per provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act).
2. Admittedly CWP-23761-2021 filed by petitioner-Bank seeking execution and implementation of order dated 03.12.2019 under Section 14 of the SARFAESI Act was disposed of with the following observations:-

*“ The categoric 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”.

3. Learned counsel for petitioner in view of order dated 21.02.2023 passed in CWP-23761-2021 seeks to withdraw this writ petition with liberty to petitioner to take necessary steps in accordance with law.
4. Ordered accordingly.
5. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

01.04.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No