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

132

CR-3342-2024

Date of Decision: 01.08.2024

Jaswant Singh

....Petitioner

Versus

DCB Bank Limited and another

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Ms. Gurmeet Kaur, Advocate for
Mr. Rajesh Duhan, Advocate
for the petitioner.

VIKAS SURI, J.(Oral)

1. Prayer in this petition under Article 227 of the Constitution of India is for setting aside the order dated 15.02.2024 (Annexure P-2) passed by learned Civil Judge (Junior Division), Guhla, whereby the application under Order 7 Rule 11(d) CPC filed by defendant/respondent – Bank was accepted and the plaint was ordered to be rejected being barred by law. The operative part of the impugned order reads as thus:-

“This court is of the considered opinion that in the present case, the District Magistrate has already directed Superintendent of Police, Kaithal to provide sufficient police assistance to the authorized office of defendant No.1 for taking possession of the acquired assets. Moreover, notice under Section 13 of SARFAESI Act dated 22.04.2021 has already been issued to the plaintiff. Both site plans are same. The contention raised by the plaintiff that he had no knowledge of the mortgage is not



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sustainable as plaintiff is shown as a witness in mortgage deed. In these circumstances, the present suit is rejected being barred by law. File be consigned to the record room after due compliance.”

2. After having argued for sometime, learned counsel for the petitioner seeks to withdraw the present petition with liberty to avail its alternative remedy.
3. Dismissed as withdrawn with liberty aforesaid.

August 01, 2024
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No