

2024:PHHC:006426

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

CR-4373-2022 (O&M)
Date of decision: 18.01.2024

Manjit Singh Gill

....Petitioner

Versus

Naveen Singla and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Tejinderbir Singh, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

CM-680-CII-2024

1. Though an application for advancing the date of hearing has been filed, however, the learned counsel representing the petitioner has made his submissions on the merits of the case. Hence, the application is allowed and hearing of the case is preponed from 29.02.2024, to today and the main case is taken on Board for final disposal.

Main case

2. An application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') to reject the plaint in view of bar to the jurisdiction of the civil court under Section 13 of the Securitization and Re-construction of the Financial Assets and Re-enforcement of Security Interest Act, 2002 (hereinafter referred to as '2002 Act') has been allowed by the trial court, which was affirmed in appeal by the First Appellate Court.

3. Learned counsel representing the petitioner admits that Canara Bank is proceeding against the mortgaged property. However, he submits that the petitioner has filed the suit against Sh.Naveen Singla, who is a private party. He submits that Bank has not initiated any proceedings against the petitioner.

3. This Court has considered the submissions made by the learned counsel representing the parties.

4. On an application filed, Canara Bank was impleaded as a party. Section 13 of the 2002 Act enables a creditor to proceed against the mortgaged property. Learned counsel representing the petitioner does not dispute that the suit property was mortgaged with the Bank by the original defendant.

5. This Court in CR-1249-2020 titled as **‘Puja Jain and another vs. Kotak Mahindra Bank Ltd. and others’** decided on 08.01.2024 has examined all the judgments on the subject and held that under Section 17 of the 2002 Act which was amended by Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016 the scope of jurisdiction of the Debt Recovery Tribunal has been enhanced and any person can file petition now.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

18.01.2024
rekha

(ANIL KSHETARPAL)
JUDGE

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