

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

135

CR-7735-2023 (O&M)

Date of Decision : 12.02.2024

OXYZO FINANCIAL SERVICES PVT. LTD.

..... Petitioner

Versus

TARUN KUMAR AND ANOTHER

..... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Prateek Jain, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India for issuance of directions to the Trial Court to decide the application under Order 39 Rule 4 of the Code of Civil Procedure, 1908 filed by the petitioner herein and the application under Order 39 Rules 1 and 2 filed by respondent No.1 expeditiously.

2. A report was called by a Coordinate Bench of this Court vide order dated 08.01.2024. The report has been received in which it has been stated that since an application was filed by the petitioner herein under Order 39 Rule 4 CPC and no reply was filed, the case was adjourned to 15.12.2023. From 13.12.2023 to 15.12.2023 the Officer was on earned leave and the case now stands adjourned to 08.04.2024.

3. The suit has been pending since 2021 and an order of status quo is operating. Learned counsel for the petitioner states that the SARFAESI proceedings are also pending in the present case and the suit itself would be barred under Section 13(4) of the Securitization and Reconstruction of

Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) and that due to the delay in disposing off the application under Order 39 Rules 1 and 2 CPC, the proceedings under the SARFAESI Act have been stalled.

4. In view of the facts as given by the counsel for the petitioner, the present petition is disposed off with a request to the Trial Court to decide the matter expeditiously and in accordance with law, preferably, within a period of one month from today. The petitioner is at liberty to move an application for preponement of the case from 08.04.2024 to an earlier date along with a copy of the order passed by this Court.

5. Disposed off. Pending application(s), if any, also stand disposed off.

12.02.2024
D.Bansal

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO