



CR-2774-2026 (O&M)

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

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**CR-2774-2026 (O&M)
Date of decision: 27.03.2026**

SATINDER KAUR**....Petitioner**

Versus

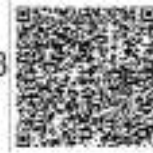
STATE OF PUNJAB AND OTHERS**...Respondents****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present : Ms. Malvi Aggarwal, Advocate for the petitioner.

Mr. Ishan Kaushal, AAG, Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. The present revision petition under Article 227 of the Constitution of India has been filed for setting aside the impugned orders dated 07.03.2024 (Annexure P-7) and 05.01.2026 (Annexure P-9), passed by the learned Civil Judge (Senior Division), Dhuri, whereby the application under Order VII Rule 11 CPC filed by respondent/defendant No.1 was allowed and the plaint was rejected.
2. I have heard the learned counsel for the parties and have gone through the material on record.
3. Plaintiff filed a suit for permanent injunction restraining defendants not to interfere in the peaceful life of plaintiff and her husband and not to dispossess them from House No.24, situated at Ward No.4, Bagrian Road, Opposite Vishal Senior Secondary School, Dhuri and not to realize a sum of Rs.11 lakhs from the plaintiff. It has been alleged that plaintiff had approached the defendant-bank in the year 2016 for obtaining a loan, when her signatures were obtained but no loan was disbursed. Bank had also taken the original sale deed



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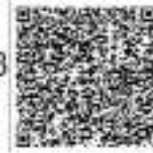
from the plaintiff and she had approached the bank officials several times to sanction the loan or to return the sale deed but of no help. Now, she has received a notice from the officer of Deputy Commissioner Sangrur and defendants are threatening to recover Rs.11 lakhs by sale of her house and to dispossess her, which necessitated the present suit.

4. Defendants moved an application under Order 7 Rule 11 CPC submitting that plaintiff has impliedly challenged the notice dated 01.03.2019 issued by the bank under SARFAESI Act, 2002 (**for short “Act”**) and is seeking injunction to restrain them from auctioning the property mortgaged by plaintiff in lieu of loan obtained by her to the tune of Rs.9,40,000/- by deposit of original sale deed. It is submitted that as per Section 34 of the said Act, the jurisdiction of the Civil Court is barred and no injunction can be issued by the Civil Court in the proceedings initiated under the said Act.

5. The Court of learned Civil Judge, vide order dated 07.03.2024 accepted the application and rejected the plaint in view of Section 34 of the said Act, which bars jurisdiction of the Civil Court to entertain any suit or proceeding in respect of any matter which can be entertained by DRT or the Appellate Tribunal. It was further held that no injunction can be granted by any Court in respect of any action taken in pursuance of the powers conferred under the Act in view of relevant provisions of Sections 13(1) (2), (4a), 17(1) and 34 of the Act and the trial Court has observed as under:-

13. Enforcement of security interest-

(1)Notwithstanding anything contained in section 69 or section 69A of the Transfer of Property Act, 1882 (4 of 1882), any security interest created in favour of any secured creditor may



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be enforced, without the intervention of the court or tribunal, by such creditor in accordance with the provisions of this Act.

(2) Where any borrower, who is under a liability to a secured creditor under a security agreement, makes any default in repayment of secured debt or any installment thereof, and his account in respect of such debt is classified by the secured creditor as non-performing asset, then, the secured creditor may require the borrower by notice in writing to discharge in full his liabilities to the secured creditor within sixty days from the date of notice failing which the secured creditor shall be entitled to exercise all or any of the rights under sub-section (4).

(4) In case the borrower fails to discharge his liability in full within the period specified in sub-section (2), the secured creditor may take recourse to one or more of the following measures to recover his secured debt, namely:-

(a) take possession of the secured assets of the borrower including the right to transfer by way of lease, assignment or sale for realizing the secured asset;

17. Right to appeal. (1) Any person (including borrower), aggrieved by any of the measures referred to in sub-section (4) of section 13 taken by the secured creditor or his authorized officer under this Chapter, may make an application alongwith such fee, as may be prescribed to the Debts Recovery Tribunal having jurisdiction in the matter within forty-five days from the date on which such measures had been taken:

34. Civil Court not to have jurisdiction. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which a Debts Recovery Tribunal or the Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in



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pursuance of any power conferred by or under this Act or under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993).

6. The appeal filed by the petitioner before the Court of Additional District Judge has also been dismissed and in my considered opinion, the orders passed by both the Courts below do not suffer from any material illegality or manifest error, which could call for interference in the impugned orders under supervisory jurisdiction of this Court under Article 227 of the Constitution of India. The remedy available to the plaintiff is to approach the Debt Recovery Tribunal or the Appellate Tribunal as provided under the Act and no suit in the present form is maintainable.

7. Resultantly, petition in hand is ordered to be dismissed.

(YASHVIR SINGH RATHOR)
JUDGE

27.03.2026
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No