



CWP-8729-2021

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

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Date of Decision:23.04.2026

PAWAN KUMAR SETH

...PETITIONER

VERSUS

DISTRICT MAGISTRATE AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Baljinder Singh, Advocate
for the petitioner.

Mr. A.S. Khara, Sr. DAG, Punjab.

Mr. V.K. Sandhir, Advocate,
for respondent No.4.

SUVIR SEHGAL, J. (ORAL)

1. Petitioner has purchased a secured asset in a public auction and a sale certificate dated 05.06.2017, Annexure P-1, was issued by Canara Bank-respondent No.2. A petition filed by the bank under Section 14 of the SARFAESI Act, 2002, was accepted by the Additional District Magistrate, Amritsar, vide order dated 16.02.2019, Annexure P-3, and it was directed that authorized officer of the bank be provided police help for taking possession of hypothecated property. When the possession was not delivered, petitioner approached this Court by way of present petition.

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2. Upon notice, petition is being resisted by respondent No.4, who claims to be a tenant in the property. Mr. Sandhir has pointed out that respondent No.4 has filed a civil suit, wherein petitioner has been impleaded as a defendant. He submits that by order dated 14.11.2018, Trial Court directed the parties to maintain status quo and this order is continuing till date. It has also been asserted that petitioner filed an appeal, assailing status quo order, which was rejected by the learned District Judge.

3. At this stage, Mr. Baljinder Singh, counsel for the petitioner, points out that an application under Order 7 Rule 11, CPC, has been filed for rejection of the plaint as Trial Court does not have the jurisdiction. He states that application is pending.

4. As petitioner is an auction purchaser of a secured asset, possession of premises cannot be denied to him. The only hindrance is the status quo order passed by the Trial Court.

5. In these circumstances, Trial Court is directed to expedite the hearing and decide the civil suit and/or application under Order 7, Rule 11, CPC, as speedily as possible preferably within a period of three months from today.

6. Trial Court may prepone the hearing of the suit, in case, it deemed necessary. Once the civil suit/application is decided, competent authority shall ensure that possession of the property is delivered to the bank in compliance of order, Annexure P-3, passed under SARFAESI Act for further handing it over to the petitioner in accordance with law.

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7. With the above direction, writ petition is disposed of.
8. Liberty is granted to the petitioner to approach this Court again, in case, possession is not delivered to him.
9. Copy of this order be sent to Court of learned Civil Judge, Amritsar, where Civil Suit bearing *CS No.5620-2018* titled as ***Tejinder Singh Vs. Pawan Kumar Seth and others***, is pending and a report be called for.

(SUVIR SEHGAL)
JUDGE

23.04.2026
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(VIKAS SURI)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No