2026:PHHC:053511

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

CR-1974-2025 (O&M)

PUNJAB AND SIND BANK **..Petitioner**

Versus

SURINDER KOHLI AND OTHERS **..Respondents**

Reserved on: 01.04.2026
Pronounced on: 07.04.2026
Uploaded on: 07.04.2026

Whether only the operative part of the judgment is pronounced? *NO*
Whether full judgment is pronounced? *YES*

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Anant Bir Singh Sidhu, Advocate
for the petitioner.

Mr. Shobit Phutela, Advocate
for respondents No.1, 3 to 6.

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SUDEEPTI SHARMA, J. (Oral)

1. The present civil revision petition is filed for setting aside order dated 13.01.2025 passed by learned Civil Judge (Jr. Division), Chandigarh, whereby application moved by the petitioner under Order 7, Rule 11 CPC was dismissed.

2. Learned counsel for the petitioner contends that the application moved by the petitioner was wrongly dismissed by learned Civil Judge (Jr. Division), Chandigarh. He, therefore, prays that the present civil revision petition be allowed.

3. Per contra, learned counsel for the respondent contends that the application moved by the petitioner has been rightly dismissed and there is no infirmity in the order dated 13.01.2025 passed by learned Civil Judge (Jr.

Division), Chandigarh. He relies on judgment passed by Hon'ble Supreme Court in ***Central Bank of India and Anr. Vs. Smt. Prabha Jain and Ors., 2025(4) SCC 38*** to support his arguments.

4. I have heard learned counsel for the parties and perused the entire file of this case with their able assistance.

5. A perusal of the file shows that the respondents approached the petitioner Bank for availing loan facilities by way of a housing loan of Rs.1,50,00,000/- and a loan against property of Rs.43,00,000/-. The Bank, vide sanction letter dated 01.10.2019, sanctioned the loan facilities against equitable mortgage of immovable properties. The respondents failed to maintain the financial discipline of the Bank, resulting which his account was declared as NPA (Non-Performing Asset), and the Bank filed a suit for recovery of Rs.1,63,90,731/- (Rs.1,25,27,754/- housing loan and Rs.38,62,977/- LAP) before the Debt Recovery Tribunal (DRT), Chandigarh.

6. The respondent filed a civil suit for mandatory injunction directing the petitioners to render true accounts in respect of the housing loan and loan against property. In the same, petitioner moved an application under Order 7, Rule 11 CPC for rejection of plaint on the ground that a suit pertaining to the same loan account is pending adjudication before the DRT. Further, that Civil Court has no jurisdiction to adjudicate on the issues raised in the civil suit filed by the respondent. Reply was filed by the respondent to the application and after considering the application as well as the reply filed by the respondent, learned Civil Judge (Jr. Division), Chandigarh after taking into consideration the provisions of Order 7, Rule 11 CPC, rightly dismissed the application filed by the petitioner. Suit filed by the respondent for

mandatory injunction, directing the petitioner to render true accounts in respect of Housing Loan and Loan Against Property taken by the respondent along with relief directing petitioners from adhering to the rules and regulations of the RBI, and waiving of illegal charges imposed by petitioners is altogether different from the suit for recovery pending before DRT. And further perusal of the file shows that the respondent has challenged the illegal charges imposed by the petitioners in the civil suit filed by them, therefore, learned Civil Judge (Jr. Division), Chandigarh, has rightly dismissed the application.

7. Now, coming to the judgment referred to by learned counsel for the respondents. Hon'ble Supreme Court in ***"Central Bank of India and Anr. Vs. Smt. Prabha Jain and Ors., 2025(4) SCC 38"*** held as under:

> *"41. In **Bank of Rajasthan Ltd. v. VCK Shares & Stock Broking Services Ltd., reported in (2023) 1 SCC 1**, due to conflicting decisions of Benches comprising of two Judges, a reference Bench of this Court was called upon to decide whether the jurisdiction of the civil court is ousted as regards an independent suit against the Bank in the context of the provisions of the RDB Act, 1993, and whether such a suit can be transferred to the DRT with or without consent. This Court held:*
>
> > *(a) That civil court's jurisdiction to entertain the suit is <u>not ousted</u>.*
> >
> > *(b) In the absence of any power, the independent suit <u>cannot be transferred to the DRT</u>.*
> >
> > *(c) As there is no power, the <u>transfer of the suit cannot be done with or without consent</u>.*

(d) <u>That the barring of jurisdiction of the civil court is to be strictly interpreted and not to be readily inferred</u>."

8. In view of the above, present civil revision petition is ***dismissed***.

9. Decree sheet be prepared accordingly.

10. Pending application(s), if any, also stand disposed of.

07.04.2026 **(SUDEEPTI SHARMA)**
JUDGE

Sahil/Ayub

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