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

CR-3895-2022 (O&M)

Date of Decision : 09.09.2025

Union Bank of India ... Petitioner(s)

Versus

Kusum Gupta & Ors. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Shailender Kashyap, Advocate for the petitioner.

Er. Sandeep Suri, Advocate and

Mr. Karan Gaba, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the impugned order dated 16.05.2022 whereby an application filed by the petitioner under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (CPC) has been dismissed.

2. Brief facts relevant to the present *lis* are that a loan was availed by Hind Motors Limited (respondent No.2 herein). Respondent No.1 herein had stood as a guarantor, however, admittedly she was relieved as a guarantor on 09.10.2013. An order was passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'SARFAESI Act'). The present suit was filed *inter alia* for setting aside the order dated 30.11.2017 passed by the District Magistrate on inter-alia ground that the plaintiff-respondent No.1 herein was no longer a guarantor and had no obligation to discharge the liability. In the civil suit an application under Order 39 Rules 1 and 2 of CPC

was dismissed. Aggrieved by the order of dismissal, an appeal was filed which was also dismissed. The plaintiff-respondent No.1 thereafter approached this Court by filing CR-3517-2018 which was disposed off vide order dated 24.05.2018 with liberty to the plaintiff-respondent No.1 to approach the Debts Recovery Tribunal. The plaintiff-respondent No.1 accordingly filed SA No.106 of 2018 before the Debts Recovery Tribunal on 28.05.2018 which was allowed vide order dated 12.02.2024 wherein notice issued under Section 13(4) of the SARFAESI Act was held to be invalid and consequently notice under Section 14 of the SARFAESI Act was also not sustainable.

3. The only ground which has been stated in the application under Order 7 Rule 11 of CPC is that because a notice under Section 14 of the SARFAESI Act had been issued and the proceedings under the SARFAESI Act had been initiated, therefore, the suit itself was not maintainable and liable to be rejected under Order 7 Rule 11 of CPC.

4. As of today there are no proceedings pending under the SARFAESI Act and in view thereof the application under Order 7 Rule 11 of CPC itself has been rendered infructuous. Accordingly, the present revision petition is disposed off as having been rendered infructuous. Pending applications, if any, also stand disposed off.

09.09.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

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