

CS No.689/18

CASHIM OVERSEAS PVT. LTD. VS. THE HEAD OF
BRANCH

22.02.2024

Present : Sh. Parveen Garg, Ld. Counsel for the plaintiff.
Sh. Priyank Saxena, Ld. Counsel for the defendant.

Written submissions are filed on behalf of the plaintiff.

Copy is supplied.

Ld. Counsel for the defendant submits that the plaint ought to be rejected since as per the Section 34 of Recovery of Debts due to Banks and Financial Institutions Act, a Civil Court does not have jurisdiction.

He submits that account of the plaintiff has been attached by the defendant bank in pursuance of the order dated 30.03.2019 passed by the DRT.

Order dated 30.03.2019 does not provide that the account of M/s Cashim Overseas has been attached. Even the written statement provides that the account of M/s Cashim Overseas are “now considered attached”.

The defendant is directed to file documents in support of the averment that the account of the plaintiff has been attached.

Ld. Counsel for the defendant also undertakes to file statement of accounts.

The plaintiff is directed to file judgments in support of his contention that it is this Court who will first decide the present suit by determining the amount that is to be returned by the defendant to the plaintiff and thereafter, during execution

proceedings, the Court may consider the objection of the defendant that the account of the plaintiff has been attached by the DRT.

To come up on 22.10.2024 at 12:30 PM.

(Shirish Aggarwal)
Additional District Judge-03
Patiala House Courts, New Delhi
22.02.2024