



Order below Exh. 09
in Regular Civil Suit No. 781/2019

CNR No. MHKO020024452019

Through this application plaintiff is praying injunction from the defendant i.e. the Bank of Baroda declaring the plaintiff the willful defaulter. Defendant failed to resist this application hence, application proceeded without say.

02. Having heard the Ld. counsel for plaintiff I am to state that, the plaintiff is admitted the alleged loan from the defendant it is the prayer of plaintiff that, till next day the defendant shall be restrained from declaring the plaintiff willful defaulter.

03. In view of the admission of the loan by the plaintiff wrenches to the fore the question is whether this court can restrain the bank from declaring a debtor to be willful defaulter. The Ld. Counsel arguing for the plaintiff has submitted that, this court has jurisdiction by virtue of section 9 of C.P.C. I am to state that, the jurisdiction of this court has been specifically barred by the section 18 of the Recovery of Debts to the Banks & Financial Institution Act, 1993. By virtue of Section 17 of the Act the jurisdiction is vested to the Debt Recovery Tribunals & section 18 expressly barred the jurisdiction of the Civil Court which says that, no court or other authority is entitled to exercise any jurisdiction, powers or authority except the Hon'ble Supreme Court & the Hon'ble High Court in relation to the matters specified in section 17 of the Act.

04. Section 17(1) of the Act specifically says that, a tribunal shall exercise the powers and authority to entertain and decide the application for recovery of debts and financial institution. Indeed, in view of section 17 & 18 I am of view that, to restrain the financial institution from declaring its debtor to be willful defaulter or even otherwise to manage its account is the fact beyond the jurisdiction of this court. Hence, I reckon to pass following order.

ORDER

Application stand rejected.

Date. 16/09/2019
Kolhapur.

(Z. Z. Khan)
3rd Jt. Civil Judge Jr. Dn.,
Kolhapur

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	V. R. Yadav
Name of Court	Shri. Z.Z.Khan 3 rd Jt. C.J.J.D. & J.M.F.C., Kolhapur.
Date of Dictation	16/09/2019
Judgment Signed by the P.O. on	19/09/2019
Judgment uploaded on	19/09/2019