



2026:PHHC:074179-DB



CWP-880-2023 (O&M)

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

(111)

CWP-880-2023 (O&M)

Date of decision:- 12.05.2026

State Bank of India

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present:- Ms. Madhu Dayal, Advocate and
Ms. Chetna Thakur, Advocate,
for the petitioner-Bank.

Mr. A.S.Khara, Senior DAG, Punjab,
for respondents No.1 to 4.

Mr. Atul Sharma, Advocate (THROUGH V.C.) and
Mr. Gourav, Advocate,
for respondent No. 6

Mr. Gaurav Goel, Advocate and
Mr. Ajay Singh Rana, Advocate,
for respondent No.7.

Mr. Vineet Jakhar, Advocate, and
Mr. Mohit Thakur, Advocate,
for respondent No.8.

SUVIR SEHGAL, J. (ORAL)

1. This petition has been filed, *inter alia*, for issuance of a direction to official respondents No.1 to 4 to restore the physical possession of the secured asset delivered to the Bank in compliance of order dated 03.04.2018, Annexure P-5, passed in petition filed under Section 14 of the SARFAESI Act.



2. Ms. Madhu Dayal, counsel for petitioner-Bank submits that after the possession of the secured asset was delivered to petitioner on 14.06.2018, Annexure P-7, the same was forcibly taken by respondent No.5 in January, 2023. She states that the secured asset had been auctioned, a Sale Certificate dated 09.02.2023 has been issued to respondent No.8 and sale deed has also been registered.

3. During the course of hearing, it has been brought to the notice of this Court that respondent No.5 had filed a civil suit (Civil Suit No. 49RBT dated 19.02.2020) and on an application filed by petitioner-Bank under Order 7 Rule 11, CPC, plaint was rejected vide order dated 03.08.2023.

4. Counsel for respondent No.8 points out that another suit (CS-285-2026) has been filed by respondent No.5 without impleading the Bank and vide order dated 10.04.2026, Trial Court has restrained the defendants therein, from interfering and dispossessing respondent No.5 from the suit property, except in due course of law. He submits that respondent No.8 is in the process of filing an application under Order 7 Rule 11, CPC.

5. Be that as it may, an order has already been passed under Section 14 of the SARFAESI Act and possession of the secured asset was delivered to petitioner, but private respondent No.5 forcibly re-entered the premises. In this backdrop, this Court is of the view that the possession deserves to be restored to the petitioner-Bank.

6. Accordingly, writ petition is disposed of with a direction to respondents No.1 to 4 to restore the possession of secured asset to petitioner within a period of fifteen days from the date when interim order passed by the Trial Court is vacated or civil suit is dismissed.



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Without commenting upon the merits or demerits of the suit, Trial Court is requested to expedite the proceedings and conclude the suit as early as possible. Copy of the order be sent to the Trial Court concerned.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

(SUVIR SEHGAL)
JUDGE

(VIKAS SURI)
JUDGE

12.05.2026
Kamal

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