

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) Nos. 19680-19681/2021

(Arising out of impugned final judgment and order dated 08-04-2021 in CR No. 1766/2020 and 19-07-2021 in RACR No. 40/2021 in CR No. 1766/2020 passed by the High Court Of Punjab & Haryana at Chandigarh)

JOGINDER SINGH LATHER

Petitioner(s)

VERSUS

YES BANK LIMITED

Respondent(s)

(FOR ADMISSION and I.R. and IA No.155423/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.155424/2021-EXEMPTION FROM FILING O.T. and IA No.155421/2021-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 06-12-2021 These petitions were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. D. Seshadri Naidu, Sr. Adv.
Mr. V.K. Sachdeva, Adv.
Mr. Pai Amit, AOR
Ms. Bhavana Duhoon, Adv.
Mr. Pulkit Sachdeva, Adv.
Ms. Shivali Chaudhari, Adv.
Mr. Ananway Anandvardhan, Adv.
Mr. Siddharth Chapalgaokar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The High Court has rightly held that the suit for the relief sought in the plaint was not maintainable in view of the bar contained under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002. The learned Trial Court rejected the plaint in exercise of power under Order VII Rule 11 CPC which is rightly confirmed by the High Court. Under the circumstances, no interference is called for with the impugned judgment and order contd..

passed by the High Court in exercise of powers under Article 136 of the Constitution of India. However, it is observed that all the contentions/defences which may be available to the respective parties including the petitioner are kept open to be considered by the Debts Recovery Tribunal in accordance with law and on its own merits.

With this, the Special Leave petitions stand dismissed.

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

(NEETU SACHDEVA)
COURT MASTER (SH)

(NISHA TRIPATHI)
BRANCH OFFICER