

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.28 of 2026

Date of decision:21.09.2026

J&K Bank Limited & another ...Petitioners

Versus

Rajeev Sood ...Respondent.

Coram:

The Hon’ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?¹

For the petitioners: Mr. Balwant Kukreja, Advocate.

For the respondent : Mr. Dushyant Dadwal and
Mr.Shashwat Dadwal, Advocates.

Romesh Verma, Judge (oral):

The instant petition has been filed by the petitioners with
the following prayer:

*“It is, therefore, respectfully prayed that after calling
for the records of the case of the learned Executing Court
below, the entire proceedings in the execution proceedings
may kindly be ordered to be set aside and quashed and
consequently the execution petition filed by the respondent/DH
may kindly be ordered to be dismissed in its entirety and Lok
Adalat Award dated 13.08.2022 be dismissed in the interest of
justice, equity and fair play.”*

**Whether reporters of Local Papers may be allowed to see the
judgment?**

2. Primarily, the dispute *inter se* the parties arises out of an award which was passed by the learned Lok Adalat on 13.08.2022, which is under challenge before this Court.

3. When the matter was listed today, the learned counsel for the petitioners-bank placed on record a copy of the communication received through email, which reads as follows:

"Please refer to trailing mail in the subject matter, way forward suggested from your end and discussions held thereof with your goodself so as to proceed further in the matter.

Please be apprised that moving further to have a clarity on the position of Khasra Number of the property under question i.e. whether 61/8 or 61/8/1, bank approached the office of Tehsildar Palampur and sought the requisite clarification. Besides bank also obtained the certified copy of sale deed. Both the documents in original have already been handed to your goodself on the last date of hearing. Copies of both the documents are also attached for your ready reference.

Thus considering your opinion on the way forward as envisaged in the trailing mail read with the aforesaid revenue report issued by the office of Tehsildar Palampur, this office is of the considered view that a rectified Sale Certificate can be issued to the respondent Rajeev Sood by the bank mentioning therein that " the present Khasra no. of property mortgaged with Bank i.e., land measuring 0-03-80 Hectare situated at Mohal Banuri, Tehsil Palampur, H.P. is 262/61/8 (whose previous no. was 61/8/1) which has been carved out from Khasra no.61/8.

However issuance of this rectified Sale certificate will be subject to the furnishing of an unconditional Undertaking before the Hon'ble High Court by the respondent Mr. Rajeev Sood that in case any dispute is raised by anybody after issuance of rectified sale Certificate vis a vis Khasra No. 61/8/1 & 61/8 by Mr. Deep Chand Sood (Borrower/Mortgagor) or his legal heirs,

their assignees, transferees, etc. then in that event the Respondent Mr. Rajeev Sood or his legal heirs, assignees, transferees, etc. shall be responsible and the Bank shall not be liable for any consequences /claim qua the said Khasra No. 61/8/1 and 61/8. Further, Rajeev Sood or his legal heirs, assignees, transferees, etc. shall neither raise any claim for damages nor initiate any further litigation qua the said Khasra No. 61/8/1 and 61/8 against the bank, after issuance of the rectified Sale Certificate, before any Court/Forum/Tribunal/adjudicating authority.

You are, as such, on the strength of this communication, requested to seek relief from the Hon'ble Court on the aforesaid lines, with any further relief which you may deem appropriate under the given circumstances so as to safeguard interests of the bank. It is further apprised that the officer designated to attend the court today could not proceed due to his ill health. You are further requested to make the statement before the Hon'ble Court to this effect.”

4. The sum and substance of the said communication which has been addressed to the learned counsel for the petitioners is that the bank is ready to issue a rectified sale certificate to the respondent, Shri Rajeev Sood, mentioning therein the present Khasra number of the property mortgaged with the bank, being land measuring 0-03-80 hectares situated at Mohal Banuri, Tehsil Palampur, which is 262/61/8, whose previous number was 61/8/1, which has been carved out from Khasra No.61/8.

5. As per the communication, it has been stated that this rectified sale certificate shall be issued to the respondent, subject to the furnishing of an unconditional undertaking by the respondent that

in case in future any dispute arises between the respondent and some third party, in that event the bank shall not be responsible for any kind of litigation and it is the respondent who shall be solely responsible for any costs, litigation or expenses.

6. The said undertaking shall be filed by the respondent within a period of one week from today to the satisfaction of the Registrar Judicial. Needless to say, in case the undertaking is filed by the respondent, within a period of ten days thereafter the petitioner bank is directed to do the needful, including the issuance of the fresh sale certificate in favour of the respondent.

7. With these observations, the present petition stands disposed of in view of the communication which has been placed on record and which is made part of the record. It is made clear that in case of any violation of the aforesaid order by any erring party, the said party shall be dealt with under the provisions of the Contempt of Courts Act.

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

(Romesh Verma)
Judge

21st September, 2026.
(vt)