

CR-2723-2015 (O&M)

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

**CR-2723-2015 (O&M).
Decided on: April 27, 2015.**

Leela Aggarwal

..... Petitioner(s)

Versus

LIC of India and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.S.P.Garg, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

Petitioner Leela Aggarwal is aggrieved by the attachment of the property which has been scheduled to be sold on May 4, 2015.

Brief facts apparent on the record indicate that one Sham Lal Sharma and his wife Shakultla Sharma had obtained loan of Rs.46000/- for construction of their house from LIC in the year 1988. Title deeds of plot No. 6824 were deposited/ mortgaged with LIC by them. The above said Sham Lal Sharma had sold the suit property to one Surinder Singh vide sale deed dated August 20, 1990 and a mutation was also entered in the year 1991. The husband of the petitioner/ objector Krishan Chand Aggarwal purchased the property on March 29, 1993 from above said Surinder Singh. On

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account of mortgagee, Sham Lal Sharma and Shakuntla Sharma having defaulted in making payments, the LIC filed a suit for recovery on July 20, 1992 and obtained ex-parte decree dated May 16, 1993 against Sham Lal Sharma and his wife Shakuntla Sharma. After the death of husband of petitioner, the mortgaged property appears to have been bequeathed in favour of the petitioner on the basis of registered Will. The petitioner/ objector having stepped into the shoes of Krishan Chand Aggarwal, the alleged bonafide purchaser had filed objections which have been dismissed by the impugned order.

Counsel for the petitioner has drawn my attention to the documents indicating that the petitioner has already deposited a sum of Rs.75369/- by way of demand draft which amount has been transferred to the LIC-decree holder.

In view of the claim of the LIC-decree holder, prima facie, having been satisfied the sale of the property fixed for 4.5.2015, is wrong.

On asking of the Court as to why appeal has not been filed against the order, counsel for the petitioner seeks time to avail the alternative remedy by filing an appeal before the Court of competent jurisdiction besides availing the other legal remedies available to the petitioner in view of the following judgments: -

(i) Gurram Seetharam Reddy Vs. Gunti Yashoda and another, AIR 2005 (AP) 95;

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(ii) *Brahmdeo Choudhary Vs. Rishikesh Prasad Jaiswal, 1997 (1) RCR (Rent) 332;*

(iii) *Babu Lal Vs. Raj Kumar and others, (1996) 3 SCC 154;* and

(iv) *N.S.S. Narayana Sarma and others Vs. Goldstone Exports (P) Ltd. and others, (2002) 1 SCC 662.*

The revision petition is disposed of as not maintainable relegating the petitioner to avail the alternative remedy of appeal. In case appeal is filed by 8.5.2015, the delay in filing of the appeal will be condoned.

Copy of the order be given dasti to the counsel for the petitioner under signatures of Court Secretary of the Bench.

April 27, 2015.
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(M.M.S. BEDI)
JUDGE