

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No.8462 of 2014.  
Decided on:-9.1.2015.

Sukhdev Singh.

.....Petitioner.

Versus

Sham Sunder Jain and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Present:- Mr. Amit Dhawan, Advocate  
for the petitioner.

**Dr. Bharat Bhushan Parsoon, J (Oral)**

Notwithstanding concurrent findings against the plaintiff, petitioner herein, on application under Order XXXIX Rules 1 and 2 CPC which he had filed alongwith his suit, he has approached this Court by way of this revision petition under Article 227 of the Constitution of India, claiming, that he continues to be in possession of the suit land as owner and that this fact was ignored by both the courts below. It is claimed that earlier owners had sold the land to the petitioner/ plaintiff vide sale deeds of 16.10.1998, 17.8.1999 and 2.1.2003, mutations in the revenue record regarding which have also been sanctioned in his favour. It is claimed further that he is a bonafide purchaser in possession and thus, no interference at the hands of the respondents herein is called for.

2. No notice to the opposite side is being issued to avoid delay and

further because no prejudice would be caused to the other party.

3. Perusal of the paper book reveals that the matter is engaging the attention even of the Debts Recovery Tribunal where the petitioner had remained unsuccessful and had even approached this Court by way of a writ petition. There is nothing on record to show that the petitioner-plaintiff is in possession of the suit land or that there is any factual or legal error in the impugned orders concurrently verdicted against the petitioner-plaintiff.

4. Perusal of the paper book further reveals that the property was lying mortgaged with State Bank of India, Phillaur since 14.7.1998. Objections preferred by the petitioner before the Debts Recovery Tribunal were dismissed. Vide orders of the Debts Recovery Tribunal, sale of property of the petitioner herein made in favour of respondent No.1 Sham Sunder Jain, was confirmed on 17.4.2009 and sale certificate was also issued on 20.4.2009. Appeal preferred by the petitioner before the Appellate Authority against the orders of the Debts Recovery Tribunal was also dismissed on 7.9.2010. Sale deed in favour of respondent No.1 was executed through the Local Commissioner on 12.12.2010. It is worth notice that the Debts Recovery Tribunal vide its order dated 20.9.2010 has specifically held that the sale deeds executed after 14.7.1998 by Onkar Singh, Jaswinder Singh, Paramjit Singh and Pardeep Singh, who are vendors of the petitioner, are illegal, null and void and would not be taken into consideration.

5. Since claim of the petitioner is based on the sale deeds which are executed after 14.7.1998, the same having been declared null and void by the Debts Recovery Tribunal, do not enure any right, title or interest of the petitioner in the land mentioned therein. Both the courts below have rightly held that there is neither prima-facie case nor balance of convenience in favour of the petitioner-plaintiff. Rather, irreparable injury would be caused to the respondents if injunction is granted to the plaintiff, petitioner

herein.

6. The present petition is nothing but misuser of the process of the Court particularly when the petitioner-plaintiff had already availed of the remedy before the Debts Recovery Tribunal, Civil Court and the Appellate Authority but had remained unsuccessful throughout.

7. Keeping in view the totality of facts and circumstances as mentioned earlier, no ground to interfere with the impugned orders dated 19.3.2014 (Annexure P-8) and 3.11.2014 (Annexure P-10) of the courts below is made out. Sequelly, affirming the same, this petition, being devoid of any merit, is dismissed.

**(Dr. Bharat Bhushan Parsoon)**  
**Judge**

**January 09, 2015**

'Yag Dutt'

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. Whether to be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes