

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 3004 of 2012(O&M)
Date of decision :February 16, 2015

Teja Singh

..... Appellant

Versus

Deepak and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. S. S. Deol, Advocate
for the appellant.

Mr. Arun Bakshi, Advocate
for respondent No.2.

Mr. Nitin Kumar, Advocate
for respondent No.3.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

Learned counsel appearing on behalf of the appellant-plaintiff submits that both the courts below have committed illegality and perversity in dismissing the suit for declaration that the sale deed dated 25.2.2003 was registered by respondent No.1 by playing a fraud upon the appellant-plaintiff and the appellant-plaintiff never executed the sale deed and somebody else impersonated him. He further submitted on the basis of forged and fabricated sale deed dated 25.2.2003 the respondent No.1-defendant No.1 Deepak created a mortgage on the said property by obtaining loan from respondent No.3. Since Deepak defaulted in payment of

installments, the bank initiated the recovery proceedings under Recovery of Debt Due to Banks and Financial Institution Act, 1993. He further submits that both the courts below have committed illegality and perversity in not appreciating the aforementioned fact.

Mr. Nitin Kumar, Advocate appearing on behalf of respondent No.3-Bank submits that though no doubt that the bank had lodged a FIR against the deed writer and Deepak-respondent Nos. 1 and 2 but the appellant-plaintiff also denied a purchase. Appeal was filed against the judgment and decree passed by the Recovery Officer, DRT-II and the same was also dismissed. He further submits that prior to the filing of the present suit a sale deed dated 10.6.2003 in respect of the same very land has been executed in favour of the appellant-plaintiff. It is a matter of record that the bank in order to recover the amount in pursuance of the decree/recovery certificate passed by the DRT put the property for sale by way of public auction. The appellant-plaintiff was a successful bidder in purchasing the property which was sold on 22.4.2003 and accordingly certificate of sale has also been issued in favour of the appellant-plaintiff.

In view of the aforementioned observations nothing survives in the present appeal as the appellant has become owner of the property by certificate of sale and as well as by virtue of sale deed dated 10.6.2003.

There is no illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for

determination by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 16, 2015
archana