

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No.14564 of 2016
Date of decision: 25th July, 2016

M/s Religare Housing Development Finance Corporation Ltd.
....Petitioner

versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. A.B.S. Sidhu, Advocate for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No.1 to 4 to take over the physical possession of the mortgaged property i.e. House No.4148, Sector 68, Mohali and to hand over the same to the petitioner in compliance of order dated 28.03.2016 (Annexure P-3) under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. A perusal of the petition shows that a civil suit has been filed by Jaspreet Singh against respondent No.5- Narinder Singh in respect of the aforesaid property. As per Annexure P-5 dated 31.05.2016, the Court of Civil Judge (Jr. Divn.), Mohali under Order 39 Rules 1 and 2 of the Code of Civil Procedure (for short 'CPC') has ordered to maintain status quo with regard to the possession of the suit property till 05.07.2016. The petitioner has not been impleaded as party in the civil suit. At this stage, learned counsel for

the petitioner states that he may be allowed to withdraw the petition with liberty to the petitioner to file an application under Order 1 Rule 10 of CPC before the Civil Court for impleadment of the petitioner as necessary party in whose favour the said property has been mortgaged.

3. Dismissed as withdrawn.

4. However, it shall be open to the petitioner to take recourse to the remedies as may be available to him, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

July 25, 2016
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