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

**Civil Revision No.4395 of 2016
Date of Decision: 24.10.2017**

SUKHDEV SINGH

.....Petitioner

Vs

JAGIR KAUR AND ORS

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Mandeep K. Sajjan, Advocate
for the petitioner.

Mr. R.S. Bhatia, Advocate
for respondent No.5-State Bank of India.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 05.12.2015 passed by the Civil Judge (Jr. Divn.) Zira vide which application for giving clear title to the decree-holder in respect of land purchased by him was dismissed.

[2]. A civil suit for specific performance filed by the petitioner/decreed holder was decreed and the sale deed No.5546 dated 13.03.2012 was executed in favour of the petitioner. The suit property was having lien of State Bank of Patiala and it was so created vide DDR No.522 in the record of

the said Bank.

[3]. Since State Bank of Patiala has already been merged with the State Bank of India, therefore, learned counsel appearing on behalf of the State Bank of India categorically submitted that the lien created in favour of the State Bank of Patiala stands transferred to the State Bank of India as per the merger.

[4]. Precisely for the satisfaction of the lien, an application has been moved by the State Bank of India before the trial Court for withdrawal of the amount deposited by the decree-holder in order to satisfy the lien for the purposes of releasing the property from registered mortgage. The said application has not been decided so far.

[5]. It appears that the trial Court has taken a hyper-technical view of the matter in view of existence of State Bank of Patiala at the relevant time which now stands merged with State Bank of India. Evidently, the application by the State Bank of India for release of the amount in order to discharge the liability of lien created vide DDR No.522 has not been decided by the trial Court.

[6]. In view of facts and circumstances of the case, I deem it appropriate to dispose of the revision petition by directing the

trial Court to release the amount in favour of the State Bank of India and on such release the State Bank of India would recommend for removing the encumbrance over the title of the property purchased by the petitioner.

[7]. Ordered accordingly.

October 24, 2017

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No