

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No. 4117 of 2017
Date of decision: 3.7.2017

Avtar Singh and others

...Petitioners

Versus

Cholamandlam Investment and Finance Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Anil Kumar Sharma, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 15.2.2017 (Annexure P-8) passed by the learned Additional District Judge, whereby application of the petitioners moved under Order 1 Rule 10 of the Code of Civil Procedure ('CPC' for short) was dismissed, they have approached this Court by way of present revision petition under Article 227 of the Constitution of India for setting aside the impugned order.

Heard learned counsel for the petitioners.

As per the pleaded and argued case on behalf of the petitioners, it was respondents No.2 and 3 who mortgaged the property with respondent No.1, while taking some loan. It is the further argued case on behalf of the petitioners that said mortgaged property was mutated in their name. It is also their pleaded and argued case that feeling aggrieved against the abovesaid mortgage, petitioners have already filed a suit for permanent injunction and the learned court of competent jurisdiction had already granted an ad interim injunction in favour of the petitioners. Although these facts were not brought

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to the notice of the Additional District Judge, yet he did not commit any error of law, while dismissing the application of the petitioners under Order 1 Rule 10 read with Section 151 CPC. It is so said, because petitioners are already pursuing their remedy before the learned court below by filing a suit for permanent injunction and an ad interim injunction had already been granted by the learned trial court in their favour. In this view of the matter, it can be safely concluded that the learned Additional District Judge was well within his jurisdiction to pass the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

3.7.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No