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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12537-2015 (O&M)
Date of decision : 30.03.2017

Kitabo Devi

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Harish Nain, Advocate
for the petitioner.

Mr. Saurabh Mohanta, DAG, Haryana.

Mr. D.P.S. Bajwa, Advocate
for respondent No.4.

Mr. Satbir Mor, Advocate for
Mr. Pardeep Solath, Advocate
for respondent No.5.

AMIT RAWAL, J. (ORAL)

This Court while issuing notice of motion had passed the following order:-

"Learned counsel for the petitioner submits that the only dwelling unit of the petitioner has been sold for recovering the amount from her. Further, only an amount of ₹ 49,000/- was taken on loan by the petitioner. However, after adding the interest on the outstanding amount and the penal interest, the House Building Society has sold the dwelling unit of the petitioner so as to recover an exorbitant amount of ₹ 4,97,426/- as reflected in notice (Annexure P-4). It is further submitted that the petitioner is ready and willing to pay the

principal amount along with interest at the rate of 17.50% and penal interest at the rate of 2.5% per annum.

Notice of motion for 7.8.2015.

In the meantime, the sale of the dwelling unit of the petitioner be not confirmed. "

Learned counsel for respondent No.4/Society submits that in case, the petitioner complies with the undertaking as recorded in the order, they would not have no difficulty in not proceeding with the dwelling unit of the House Building Society by realising the original amount of ₹ 4,97,426/- along with interest @ 17.50% and penal interest @ 2.5% per annum.

Keeping in view the aforementioned facts, I deem it appropriate to dispose of the present writ petition by treating it as a representation. In order to see the *bona fide* of the petitioner, let the amount be deposited by the petitioner, as indicated in the order, within a period of one month from the date of the receipt of the certified copy of this order, failing which, the respondent(s)/Society will have a right to seek the revival of the writ petition.

Resultantly, the present writ petition stands disposed of.

30.03.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**