

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

CRR No.843-2017 (O&M)
Date of decision: 17.04.2017

Inderjeet Singh and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Petitioner No.1-Inderjeet Singh, in person.

Jitendra Chauhan, J. (Oral)

This petition has been filed against the order dated 22.11.2016 passed by learned Addl. Sessions Judge, Ludhiana, whereby the appeal preferred by petitioner No.2-Suvinder Kaur against the judgment of acquittal in FIR No.316 dated 23.12.09 registered under Sections 448, 506 and 323 read with Section 34 IPC, at Police Station Shimlapuri, Ludhiana, has been dismissed.

Petitioner No.1 submits that on 27.12.2010, the Authority of Bank of Baroda and auction purchaser, Manju Bains had taken a forcible possession of the property in question. They had obtained a forged and fabricated order dated 18.02.2011 passed by Debt Recovery Tribunal-II, Chandigarh. However, the same has not been brought on record so far. Even the auction purchaser, Manju Bains has failed to disclose the sale consideration. The Authority of Bank of Baroda has failed to produce the

original mortgage sale deed. There is a registered jamabandi for the years 2003-04 in favour of the petitioners.

I have heard petitioner No.1 and carefully perused the entire record on file.

During his life time, deceased husband of the petitioner No.2- Suvinder Kaur, namely, Rattan Singh had taken a loan from Bank of Baroda, but failed to repay the same. In the said loan, petitioner No.2 was also co-borrower. Therefore, she is fully aware about the said loan. On failure of repaying the loan, the bank had initiated the necessary proceedings and served possession notice on 21.12.2009. Further, the procedure for possession and sale of property i.e. publication of notices in newspapers, were duly complied with by the Bank after taking due permission from District Magistrate. A sanction letter was also received by petitioner No.2. The learned Addl. Sessions Judge, Ludhiana has dismissed the appeal of the petitioners as same was misconceived and not maintainable. This Court feels that being fully aware about the loan and the procedure followed by the Bank on failure of repayment of said loan, the petitioners cannot lay claim over the suit property.

Accordingly, this Court finds no perversity or illegality in the impugned order and the present petition is dismissed.

17.04.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No