

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

R.A-CW No.222 of 2017 in
CWP No.12537 of 2015
Date of Decision.22.05.2017

Kitabo DeviPetitioner
Vs
State of Haryana and othersRespondents

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

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-.-

AMIT RAWAL J.(ORAL)

Notice in the application.

Mr. DPS Bajwa, Advocate accepts notice for respondent No.4.

Both the parties are ad idem that the principal amount mentioned in the notice (Annexure P-4) is ₹49,000/- and not ₹4,97,426/- as reflected in the order dated 30.03.2017 and interest as per the mortgaged deed is 15.7% instead of 17.50%, thus, there is error apparent on the face of the record.

I have gone through the application and as well as the documents i.e. the mortgage deed and the notice of motion order, much less, Annexure P-4 and of the view that the principal amount is not ₹4,97,426/- but ₹49,000/- with interest @15.7% instead of 17.50%. Even in the notice of motion of order also, interest has been wrongly mentioned @17.50% instead of 15.7%. Resultantly, the order dated 30.03.2017 shall read as under:-

“IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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

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 15.7% 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 realizing the original amount of ₹49,000/- along with interest @ 15.7% 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.

**(AMIT RAWAL)
JUDGE**

30.03.2017
Yogesh Sharma”

The order dated 30.03.2017 is modified to the above extent and review application stands disposed of in the above terms. The period for depositing the amount by the petitioner as indicated in the aforementioned order is extended for one month and the period shall be reckoned from the date of modification of the order.

**(AMIT RAWAL)
JUDGE**

May 22, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No