

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

**CM-12828-CWP-2018 in/and
CWP-9779-2018
Decided on : 03.10.2018**

Daan Singh

... Petitioner(s)

Versus

Central Bank of India

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

PRESENT: Mr. Gaurav Singla, Advocate
for the applicant-petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

CM-12828-CWP-2018

This is an application under Order 9 Rule 9 read with Section 151 of the Code of Civil Procedure, for recalling of order dated 18.07.2018, whereby, the present writ petition was dismissed for want of prosecution.

After hearing learned counsel for the applicant-petitioner and perusing the averments made in the application, which is supported by an affidavit of the applicant-petitioner, the same is allowed and the writ petition is ordered to be restored to its original number.

CWP-9779-2018

At the oral request of learned counsel for the applicant-petitioner, the main case is taken up for hearing today.

2. Petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *Certiorari*, for quashing of the impugned notice Annexure P-2, vide which the residential house of the petitioner, which was mortgaged with the respondent-Bank, is put for auction on

respondent-Bank not to auction the residential house No.3708 of the petitioner and give fresh calculation after adjusting the deposited amount in the month of September to December, 2017.

3. At the outset, learned counsel for the petitioner submitted that the auction, which was scheduled for 21st April, 2018, has since expired, therefore, the present writ petition has been rendered infructuous. Accordingly, a prayer was made that the same may be disposed of as such.

4. Ordered accordingly.

**(AJAY KUMAR MITTAL)
JUDGE**

**(AVNEESH JHINGAN)
JUDGE**

October 03, 2018

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No