

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

CR No.1879 of 2018

Date of Decision:09.09.2019

**THE HARYANA STATE COOPERATIVE HOUSING FEDERATION
LTD. PANCHKULA** **...Petitioner**

Versus

HARINDER PARSHAD AND OTHERS **..Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. J.P. Rana, Advocate for
Mr. Pardeep Solath, Advocate for the petitioner.

Mr. Arun Sharma, Advocate for respondent No. 1.

Mr. Rajeev Sharma, Advocate for respondents No.2 and 3.

DEEPAK SIBAL, J. (ORAL)

Respondent No.1 had filed a suit seeking therein to restrain respondents No.2 and 3 from demanding and recovering for him an amount of ₹3,58,714.75ps. as balance outstanding loan, along with interest and penalty. A direction was also sought to be issued to respondent No.2 and 3 not to misuse and mis-utilise the original registered sale deed of the house of respondent No.1 as also the 10 blank cheques, some blank papers of affidavits and agreements given by respondent No.1 to respondents No.2 and 3 as security for the home loan taken by him.

On 09.02.2015, the Trial Court decreed respondent No.1's suit with a direction to respondents No.2 and 3 to deposit an amount ₹2,22,712.60 ps in his account in the office of Haryana State Cooperative Housing Federation Ltd. (for short-the petitioner-Federation). The

petitioner-Federation was further directed to release original sale deed of property mortgaged by respondent No.1 with respondents No.2 and 3 within three months. Though the petitioner-Federation was not arrayed as a party before the Trial Court, it felt aggrieved by the directions given in the decree dated 09.02.2015 and challenged the decree by way of an appeal. Along with the appeal an application for stay of the impugned judgment and decree was also filed. The Appellate Court dismissed the application for stay preferred by the petitioner-Federation. The petitioner-Federation has challenged such order through the instant petition.

At the outset, learned counsel for respondent No.1 submits that through judgment and decree dated 27.03.2019, the petitioner-Federation's appeal has been dismissed by the Appellate Court and that being so, the present petition, having been filed against the non-grant of stay in such appeal, has been rendered infructuous.

In view of the above as also after going through the certified copy of judgment and decree dated 27.03.2019 of the Appellate Court, which has been produced today in Court and is taken on record, it is established that the petitioner-Federation's appeal has been dismissed by the Appellate Court. That being so, the present petition, which was filed to challenge therein the non-grant of interim stay by the Appellate Court has been rendered infructuous and disposed of as such.

(DEEPAK SIBAL)
JUDGE

September 09, 2019

Jyoti Whether speaking/reasoned Yes/No Whether Reportable Yes/No