

109

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

CR No. 6288 of 2019 (O&M)
Date of Decision: 03.10.2019

Sukhdev Singh

-Petitioner

Vs

Darshan Singh

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. N.S. Dadwal, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has preferred this revision petition against the order dated 29.08.2019 passed by Additional Civil Judge (Senior Division), Jagraon vide which joint application under Order 1 Rule 10 and Order 6 Rule 17 read with Section 151 CPC was dismissed.

The application was dismissed on merits.

Firstly, joint application is not maintainable in view of **Nirmal Singh and others vs Tarsem Singh and others, 2015(2) RCR (Civil) 679**. Secondly, on merits. The case is already at the stage of rebuttal and arguments. The stay was granted by the trial Court on the basis of revenue record viz Jamabandi which has the entry of mortgage.

Factum of mortgage was known to the petitioner from the very inception.

Petitioner played a waiting game and did not take any appropriate action on the basis of land being mortgaged with the Bank. The Jamabandi has also revealed factum of mortgage with the Bank as per Rapat No.498 and Rapat No.534 in respect of both the Banks.

Cumulative effect of aforesaid facts and circumstances would not give rise to any equitable consideration in favour of the petitioner.

This revision petition is accordingly, dismissed.

03.10.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No