

RSA-3192-2017 (O&M)

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

**RSA-3192-2017 (O&M)
Date of decision : 26.02.2019**

Joga Singh

... Appellant

Versus

The Chupki Cooperative House Building Sabha Limited
and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rajesh Duhan, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

The appellant-plaintiff has not been successful in claiming declaration to the effect that notice No.353 dated 04.04.2013 issued by defendant No.4 on behalf of defendant No.1 to recover the house loan amount to ₹90,737/- being illegal, null and void as well as with consequential relief of injunction from interfering into the peaceful possession of the land measuring 14 kanals 14 marlas.

It was alleged that the plaintiff had obtained the house loan in the year 1992 from defendant No.1 i.e. The Chupki Cooperative House Building Sabha Limited. After receiving the first installment, second installment was not released. The plaintiff had returned the loan in installments, but no clearance certificate was issued by the defendants, thus, in such circumstances, the suit, aforementioned was filed.

Mr. Rajesh Duhan, learned counsel for the appellant-plaintiff

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submitted that a person, who had not been given full loan amount and had paid the certain amount, the Courts below ought to have come to rescue of the plaintiff.

I am afraid the aforementioned argument is not sustainable in the eyes of law, for, as the dispute with regard to the aforementioned controversy has already been set at rest in the arbitration proceedings finalized against the plaintiff. The same was not disclosed in the plaint. A person, who did not come to the Court with clean hands, should not be entitled for any concession of interference.

In this view of the matter, I do not find any illegality and perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the present regular second appeal as well as the applications seeking condonation of delay in filing and refiling are dismissed.

26.02.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**