

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

CWP No. 21367 of 2021

Date of Decision: 25.10.2021

RASHMI PAUL

.....Petitioner

V/s.

ICICI BANK LIMITED THROUGH ITS MANAGER AND ANOTHER

....Respondents

CORAM: **HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO.**
 HON'BLE MR. JUSTICE KARAMJIT SINGH

(Through Video Conference)

Present: Mr. Naveen Gupta, Advocate,
 for the petitioner.

M.S. RAMACHANDRA RAO, J. (Oral)

The petitioner in this Writ Petition seeks issuance of a Writ in the nature of *certiorari* for quashing the action of the respondents in not releasing the original documents (title deeds) of the property bearing residential apartment No. 509, Tower No.2, Silver City Extension, Zirakpur, District Mohali which were given to the respondents at the time of availing home loan.

Learned counsel for the petitioner submits that the petitioner and her husband had applied for a home loan from the respondent-Bank for purchase of residential apartment No. 509, Tower No.2, Silver City Extension, Zirakpur, District Mohali. The original sale deed of the apartment was handed over to the respondents as a collateral security for the home loan granted to the petitioner and her husband.

According to the petitioner, her husband left her and her son, who is mentally ill, and since 2010 had shifted to an unknown place in New Delhi. But the petitioner got her employed in a private travel agency and repaid all the installments of the said home loan. Though, the entire loan has been repaid and “No Due Certificate” in respect of the same has also been issued to her, the original documents of the apartment in question have not been released by the respondents on the ground that the husband of the petitioner, who is a co-applicant of home loan, is not available at this point of time.

In this regard, the petitioner has made a representation dated 20.08.2021 to the respondents for release of the original documents. It is alleged that the said representation dated 20.08.2021 of the petitioner is not being disposed by the respondents till date. Learned counsel for the petitioner states that the petitioner is even ready to give an indemnity bond to the respondents, undertaking any future liability which may fastened upon the respondents for release of the original documents of the apartment in question to her.

Notice of motion.

Mr. Sandeep Suri, Advocate accepts notice on behalf of respondents-Bank and states that respondents are ready to hand over the original documents of the apartment in question to the petitioner subject to the petitioner giving an indemnity bond to the respondents undertaking any future liability which may be fastened upon them in the event of any subsequent proceedings initiated by the husband of the petitioner for releasing the original documents of the apartment to the petitioner.

Accordingly, the writ petition is disposed of directing the respondents to release the original documents (title deed) of the apartment i.e. Flat No. 509, Tower No.2, Silver City Extension, Zirakpur, District Mohali to the petitioner subject to the petitioner giving an Indemnity Bond to the respondents of the nature mentioned above.

The respondents shall hand over the original documents to the petitioner within a period of four weeks from the submission of the Indemnity Bond by the petitioner to the respondents.

(M.S. RAMACHANDRA RAO)
JUDGE

(KARAMJIT SINGH)
JUDGE

October 25, 2021

Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>