

CWP No.22763 of 2020 (O&amp;M)

Date of decision : 15.01.2021

Kamlesh Rani

..... Petitioner

versus

Deputy Commissioner, Bathinda &amp; others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI  
HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

\*\*\*

Present :- Dr. Rau P.S.Girwar, Advocate  
for the petitioner.

Mr. Sandeep Suri, Advocate  
for respondent No.3.

\*\*\*

**AJAY TEWARI, J.**

1 This petition has been filed challenging the order of the Deputy Commissioner-cum-District Magistrate, Bathinda (Annexure P-8) allowing an application filed by respondent No.3-ICICI Home Finance Company for taking possession of the mortgage property.

2 At the very outset, Mr. Sandeep Suri, Advocate who has entered appearance on behalf of respondent No.3 stated that an amount of approximately Rs.1.5 crores is due and even on the installment amount a sum of Rs.58.00 lakhs is due.

3 We put it to the learned counsel for the petitioner whether the petitioner would be in a position to deposit the amount, he has, however, stated that the petitioner is the guarantor and what he is aggrieved of is that respondent No.3 is not moving against the real borrower but he is seeking to auction her property.

**CWP No.22763 of 2020 (O&M)**

**-2-**

4            However a perusal of the agreement (Annexure P-2) reveals that the petitioner is not only the guarantor but is a co-borrower. In the circumstances, in view of the inability of the petitioner to make any payment we are constrained to dismiss the petition.

5            Petition stands dismissed.

6            Since the main case has been decided, the pending Misc. Application(s), if any, also stands disposed of.

**( AJAY TEWARI )  
JUDGE**

**( RAJESH BHARDWAJ )  
JUDGE**

**15.01.2021**

*pooja sharma-I*

Whether speaking/reasoned  
Whether Reportable :

Yes/No  
Yes/No