

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3911 of 2019

Date of Decision: 12.07.2022

Smt. Basanti

... Petitioner(s)

Versus

Sahabuddin and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vishwajeet Singh, Advocate
for the petitioner(s).

Mr. Baljeet Beniwal, Advocate
for the respondent No.1 and 2.

Mr. Johan Kumar, Advocate
for the respondent No.3.

Anil Kshetarpal, J.

1. Both the Courts below have dismissed the application filed by the petitioner for the restoration of the suit for grant of decree of permanent injunction. It has been found that the petitioner was thoroughly negligent in prosecuting her suit.

2. The learned counsel representing the petitioner contends that she has filed the suit for grant of decree of permanent injunction in order to restrain the bank from recovering the amount from the property in question. It is claimed that the vendors had sold the property without disclosing that the property is under a charge created in favour of the bank. Apart from other reasons, the suit filed by the plaintiff itself is not maintainable. Once the property i.e. subject matter of the suit, is mortgaged with the bank, then,

a charge is created on the said property and the bank gets the right to recover from the same in case of default in payment irrespective of transfer of ownership of the property.

3. Keeping in view of the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

July 12, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No