

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

119

CWP-20427-2022

Decided on : 09.09.2022

Vijay Singh

.....Petitioner(s)

Versus

M/s Capri Global Housing Finance Ltd.

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE JAGMOHAN BANSAL**

Present: Mr.R.S.Mamli, Advocate, for the petitioner(s).

G.S. Sandhawalia, J. (Oral)

The present writ petition, filed under Articles 226/227 of the Constitution of India, seeks writ in the nature of certiorari and mandamus for directing the respondents to allow the petitioner to take out his household articles from the house in dispute which had already been taken in possession by the respondents by locking the house.

A perusal of the writ petition would go on to show that the order dated 29.07.2022 was passed by the Chief Judicial Magistrate, Gurugram wherein Receiver was appointed to take possession of the secured asset which is a flat details of which are given in the said order and the Receiver was to prepare inventory with regard to the items kept inside the premises and hand over them along with one list duly signed by the witnesses and by the Receiver to the borrower, if present at the site. In such circumstances, we are of the considered opinion that the appropriate remedy would lie before the Magistrate who passed the said order since the Receiver will also have to be put to notice.

Faced with this situation, counsel does not press the present petition and prays for liberty to withdraw the same, to approach the Court of competent jurisdiction, for the said relief.

Ordered accordingly.

**(G.S. SANDHAWALIA)
JUDGE**

September 09, 2022

SAILESH

**(JAGMOHAN BANSAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No