

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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C.R. No.1815 of 2023 (O&M)

Date of Order:30.11.2023

Seema Rani and another

.Petitioners

Versus

Bharat Bhushan and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Advocate
for the petitioners.Mr. Jagdeep Singh, Advocate
for respondent no.4.**ANIL KSHETARPAL, J**

1. This revision petition has been filed by the plaintiffs to assail the correctness of the interlocutory order passed by the trial court while allowing an application under Order 1 Rule 10 read with Section 151 CPC.
2. The petitioners (plaintiffs before the trial court) have filed a suit for decree of declaration with consequential relief of possession. The prayer clause of the plaint reads as under:-

“It is prayed to Hon'ble Court that the decree of declaration to this effect that the plaintiffs are the owner in possession to the extent of their share over the property fully detailed and describe in para no.1 of the plaint and further a decree of declaration be also passed to declare impugned relinquishment deed vasika no.5086 dated 13.01.2014 and 5087 dated 13.01.2014 and further transactions lien, charges loan etc over the suit property as per the relinquishment deed dated 13.01.2014 are fraudulent, illegal, null and void, dishonest, invalid and not binding upon the right, title, interest of the plaintiffs over the suit property. Along with consequent relief of

permanent injunction restraining the defendants their agents, assignee and any other person from interfering in the possession of the plaintiffs to the extent of heir share and further restrain them from changing the nature of the suit property or creating any third party right over the suit property or from creating any charge, encumbrance their upon over the suit property fully mentioned in para no.1 of the plaint may kindly be passed in favour of plaintiffs and against the defendants their assignee, agents etc. with cost any other order deem fit and proper may kindly be passed.”

3. The Fullerton India Credit Company Limited filed an application under Order 1 Rule 10 CPC alleging that they give loan to Mr. Parveen Kumar Ahuja, Mr. Bharat Bhushan and M/s Om S & B Fod Pvt. Ltd. and notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was issued and when the efforts were made to take decision it came to the notice that the plaintiffs have obtained an injunction. The trial court keeping in view the facts of the case has allowed the application and impleaded Fullerton India Credit Company Limited as defendant no.4.

4. The learned counsel representing the petitioners contends that the petitioners have only challenged the correctness of two relinquishment deeds and the plaintiffs are dominus litis. He submits that the trial court has erred in allowing the application.

5. This court has considered the submissions of the learned counsel representing the parties.

6. It is not in dispute that one of the properties involved in the suit is a subject matter of mortgage with Fullerton India Credit Company

Limited.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
8. Dismissed.
9. All the pending miscellaneous applications, if any, are also disposed of.

November 30, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO