

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

CWP-296-2003(O&M)

Date of decision:-28.2.2023

Shri Udai Ram

...Petitioner

Versus

Collector, Ballabgarh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sukhdeep Singh, Advocate for
Mr.Lokesh Sinhal, Advocate
for the petitioner.

Mr.Aseem Aggarwal, Advocate for
Mr.Harsh Aggarwal, Advocate
for the respondents.

H.S. MADAAN, J.

1. By way of filing the present civil writ petition, petitioner Udai Ram craves for quashing of order dated 14.8.2002 passed by respondent No.1 i.e. Collector, Ballabgarh (Annexure P8) vide which application of the petitioner for redemption of mortgage of land situated in village Garkhera, Tehsil Ballabgarh, District Faridabad was dismissed.
2. Briefly stated, facts of the case are that petitioner Udai Ram had filed the application in question before Collector, Ballabgarh, District

Faridabad seeking redemption of mortgage of 7 kanals 17 marlas of land situated at village Garkhera, Tehsil Ballabgarh, District Faridabad. That application was allowed and land was ordered to be redeemed in favour of petitioner mortgagor and against respondents mortgagees. The respondents were directed to receive amount of mortgage money deposited by the mortgagor. The petitioner sought possession of the land.

3. Subsequently, it transpired that original mortgagee Ramji Lal had expired leaving behind several legal heirs. In the application for redemption filed by the petitioner, names of daughters of Ramji Lal could not be incorporated. Therefore, he sought addition of their names in the order dated 16.1.1996.

4. That application was resisted by the respondents/mortgagees contending that order dated 16.1.1996 had been stayed by Civil Judge, Faridabad and appeal has since been decided in favour of respondents Diwan Singh etc. and direction has been issued to Udai Ram petitioner to execute sale deed in favour of Diwan Singh etc., therefore application cannot be allowed and the petitioner cannot take possession of the land from the respondents. For that very reason, the application filed by the petitioner was dismissed.

5. Now since appeal bearing RSA1278-2002 titled 'Shri Udai Ram Versus Diwan Singh and others' filed by the appellant, who is petitioner in the present civil writ petition has been accepted and suit for specific performance filed by LRs of Ramji Lal has been dismissed, with order of redemption of land passed on 16.2.2002 being there in his favour, the petitioner can certainly pursue the matter now by moving appropriate

application before Collector Ballabgarh, District Faridabad or any other authority and such authorities would dispose of the application promptly as per law.

6. With such observation, the civil writ petition stands disposed of accordingly.

28.2.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No