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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2772-2022 (O&M)
Date of Decision: 28.08.2024

MOHINDER SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present:- Mr. Ram Kumar Chauhan, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

Mr. Surinder Thakur, Advocate
for respondents No.4 and 5.

HARSH BUNGER J. (ORAL)

CM-8192-CWP-2024

1. This is an application filed for bringing on record the legal representatives of the deceased petitioner- Mohinder Singh.
2. Notice in this application was issued on 20.05.2024.
3. Upon notice, learned State counsel and learned counsel for respondents No.4 and 5 appeared and submitted that they have no objection if the present application is allowed.
4. For the reasons mentioned in the application and having no objection from the counsel opposite, the present application is allowed and the persons mentioned in para 2 of the application are impleaded in the



arneys of the parties as legal representatives of the deceased petitioner-Mohinder Singh, for the purpose of pursuing the instant matter only.

5. Amended memo of parties is taken on record, subject to all just exceptions.

6. Registry to carry out necessary changes.

7. CM stands disposed of accordingly.

Main Case

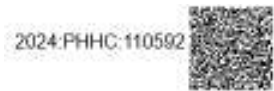
1. Petitioner has filed the present writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *certiorari*, for setting aside the order dated 13.10.2021 (Annexure P-3) passed by Sub Divisional-Cum- Assistant Collector Ist Grade, Hoshiarpur, District, Hoshairpur (respondent No.2 herein).

2. Learned counsel appearing on behalf of respondents No.4 and 5 has raised objection that vide the impugned order dated 13.10.2021 (Annexure P-3), respondent No.2 had allowed redemption of mortgage. It is submitted that against the impugned order dated 13.10.2021 (Annexure P-3), the petitioner can take recourse to his remedies provided under Section 12 of the Redemption of Mortgages (Punjab), Act, 1913, which reads as under:

“12. Saving of suits to establish rights

Any party aggrieved by an order made under Sections 6, 7, 8, 9, 10 or 11 of this Act may institute a suit to establish his rights in respect of the mortgage, but subject to the result of such suit, if any, the order shall be conclusive.”

3. At this stage, learned counsel for the petitioner submits that he may be permitted to withdraw the present writ petition with liberty to avail his



remedies in accordance with the provisions of Section 12 of the Redemption of Mortgages (Punjab) Act, 1913.

4. Keeping in view the aforesaid submission made by learned counsel for the petitioner, the present writ petition is dismissed as withdrawn with the liberty aforesaid.
5. All pending application(s), if any, shall also stand closed.

August 28, 2024
Pd

(HARSH BUNGER)
JUDGE

Whether Speaking	Yes/No
Whether reportable	Yes/No