

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-36674-2019

Date of Decision:- 08.02.2024

RAJESH KUMAR

....Petitioner

Vs.

CHOLAMANDALAM FINANCE AND INVESTMENT CO. AND LTD.

...Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Ms. Neha Sharma, Advocate for Ms. Supriya Garg,
Advocate for petitioner.

Mr. D.K. Singal, Advocate for respondent.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside sale notice dated 11.11.2019 (Annexure P-5) as well as confirmation of sale of mortgaged property in favour of subsequent purchaser.

2. Learned counsel for respondent – financial company submits that present petitioner along with some others had filed CWP-11661-2019 challenging earlier sale notice dated 26.02.2018 which was disposed of as infructuous on 03.10.2023 in view of categoric statement made on behalf of financial institution in respect to undertaking dated 28.01.2021 submitted by present petitioner. Relevant part of undertaking was reproduced in order dated

03.10.2023. While referring to secured assets, which is the subject matter of sale notice dated 11.11.2019 as well, it was undertaken by present petitioner that he would handover vacant physical possession of asset in question and would remain present for registration of sale deed and would fully cooperate with the company regarding sale of property (ies) in question.

3. Learned counsel for petitioner submits that he does not have any instructions in this regard despite earnest efforts made to contact the petitioner.

4. In view of categorical statement of learned counsel for financial institution as well as order dated 03.10.2023 in CWP-11661-2019, we do not find any justification for continuation of present proceedings. It is to be noted, at this stage, that liberty had been afforded to petitioner in CWP-11661-2019 to file appropriate application, in case, any incorrect fact has been placed us. It is informed that, till date, no application has been filed in the said writ petition.

5. Present writ petition is accordingly disposed of as infructuous with liberty to petitioner to file appropriate application in this case as well, in case any incorrect fact has been placed before us.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

08.02.2024

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No