



CR-6569-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(110)

CR-6569-2024

Date of decision: - 12.11.2024

Sukhdev Singh

....Petitioner

Versus

ICICI Home Finance Company Limited

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Umesh Aggarwal, Advocate
for the petitioner.Mr. D.K. Singal, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 03.10.2023 (Annexure P-2) rendered in Civil Suit No.2866 of 2023, instituted on 25.09.2023 registered on 26.09.2024 titled as 'Sukhdev Singh Vs. ICICI Home Finance Company Ltd.'.

2. Learned counsel for the petitioner has submitted that the petitioner is the owner of one plot No.90 measuring 161.99 sq. yards comprised in Khasra No.16//16/2/1. It is submitted that the plaintiff/petitioner is the owner of the said land by virtue of a registered sale deed dated 13.07.2000 and the said property was not mortgaged but the respondent/defendant wants to take the possession of the said plot.



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3. Learned counsel appearing for the respondent has referred to the written statement, which has been filed by the respondent-defendant before the trial Court, moreso para 6, as per which, the defendant/respondent has neither tried to take possession of the suit property nor has ever affixed any notice over the same and the suit property i.e., Plot No.90, being claimed by the plaintiff, adjoins the secured asset i.e. Plot No.91, which was mortgaged and of which the possession was taken. It is further submitted that in the said written statement, it has been specifically stated that the said properties are two separate and distinct properties owned by two different parties and that the affixation of the notice has been done on the secured asset i.e., plot No.91. The relevant portion of Para 6 of the said written statement, which has been handed over by the learned counsel for the respondent during the course of arguments, is reproduced as under: -

“6. xxx xxx xxx It is submitted that the defendant has neither tried to take possession of the suit property nor has ever affixed any notice over the same. It is submitted that the plaintiff in active connivance with the said Vishal Sharma, Sunita Rani and Ramesh Kumar has filed instant suit by taking benefit of the fact that the suit property adjoins the secured asset i.e., property/ plot private no.91, measuring 155.97 Square Yards comprising in Khasra No.16//27 Min. having length 54.2 feet, width 25.9 feet, bounded from East: Gali 10 feet, West: Plot No. 108, North: Plot No.90, South: Plot No.92 situated in the area of Kot Khalsa, Sub Urban, Guru Nanak Pura, Tehsil and District Amritsar owned by said Sunita Rani and Ramesh Kumar vide Sale Deed dated 21-12-2021 registered with Sub Registrar, Amritsar vide Document No. 2021- 22/93/1/11370 just to create false and frivolous dispute



regarding the identification of the secured asset. In fact, both the suit property and secured asset i.e., property/ plot private no.91, measuring 155.97 Square Yards comprising in Khasra No.16//27 Min. having length 54.2 feet, width 25.9 feet, bounded from East: Gali 10 feet, West: Plot No. 108, North: Plot No.90, South: Plot No.92 situated in the area of Kot Khalsa, Sub Urban, Guru Nanak Pura, Tehsil and District Amritsar owned by said Sunita Rani and Ramesh Kumar vide Sale Deed dated 21-12-2021 registered with Sub Registrar, Amritsar vide Document No. 2021-22/93/1/11370 are two separate and distinct properties owned by two different parties though adjoining each other. It is submitted that the defendant has also got the photographs of affixation of the notice at the secured asset which is same as mentioned in the Technical Report prepared before the sanction of loan to said Vishal Sharma, Sunita Rani and Ramesh Kumar which shows that the plaintiff has filed instant suit solely at the behest of said Vishal Sharma, Sunita Rani and Ramesh Kumar knowing fully well that the defendant has neither tried to take possession of the suit property nor has ever affixed any notice over the suit property. It is submitted that the plaintiff is trying to create chaos and confusion not only in the mind of Hon'ble Court but also in mind of concerned authorities and general public regarding the identification of the secured asset as stated above.”

It is also further submitted that the possession of the secured asset in pursuance of the notice dated 10.10.2024 (Annexure P-3) has been taken by the respondent/defendant and the plot number and the area of the same has been mentioned in the said letter dated 10.10.2024 (original copy of the same is annexed at running page No.34 of the paper-book).

4. Learned counsel for the petitioner has submitted that in view of the stand taken by the respondent-defendant to the effect that the two

properties i.e., Plot No.90 owned by the petitioner is different from the property i.e. Plot No.91 of which the possession has been taken, thus, in view of the said stand, as has been stated in the written statement and has been taken before this Court, the present revision petition be disposed of as having been rendered infructuous. It is however prayed that liberty be granted to the petitioner to institute appropriate proceedings in case the respondent-defendant has taken possession of the plot No.90 which is in the ownership of the petitioner.

5. Keeping in view the above-said facts and circumstances, the present petition is disposed of as having been rendered infructuous, with liberty to the petitioner as sought.

6. It is made clear that in case, the petitioner institutes any proceeding to redress his grievance, it would be open to the respondent-defendant to raise all pleas, in accordance with law.

November 12, 2024

naresh.k

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No