



CWP-10532-2025

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

CWP-10532-2025

Date of decision: 11.02.2026

ABHISHEK MATHUR

....PETITIONER

Versus

**INDIA BULLS HOUSING FINANCE LIMITED AND OTHERS
...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: - Mr. Nitish Massey, Advocate for the petitioners
(through Video Conferencing).

Mr. Rajeev Anand, Sr. Advocate
with Mr. Vandit Jain, Advocate for the respondent No.1.

Ms. Mannat Anand, Advocate for respondents No.2.

Mr. Vijay Pal, Senior Panel Counsel
for respondents No.3-UOI.

Mr. Indresh Goel, Advocate for respondent No.4.

SHEEL NAGU, C.J. (Oral)

1. It is informed by learned counsel for respondent No.1 that the complaint under Section 138 of Negotiable Instruments Act, 1881, filed against the petitioner has been withdrawn on 12.07.2025 and also notice under Section 13 (2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, has also been recalled by the Financial Institution on 12.08.2025.

2. Learned counsel for the respondents has raised a preliminary objection as regards the territorial jurisdiction of this Court on the ground

that the petitioner is neither situated within the jurisdiction of this Court



nor is the cause of action raised in this petition, which is evident from the prayer clause which is reproduced in the following terms:-

- “i) Directing the respondents No.3 and 4 to initiate Enquiry against respondent No.1 for violation of principles of natural justice as well as breaching the RBI Circulars dated 03.09.2013 (Annexure P-1), 01.07.2015 (Annexure P-2), 18.02.2022 (Annexure P-3) and National Housing Bank Circulars dated 18.11.2013 (Annexure P-4), 01.07.2016 (Annexure P-5) and 19.07.2019 (Annexure P-6);*
- ii) Directing the Respondents No.3 and 4 to initiate appropriate action based on the Inquiry against Respondent No.1 for violation of principles of natural justice as well as breaching the RBI Circulars dated 03.09.2013 (Annexure P-1), 01.07.2015 (Annexure P-2), 18.02.2022 (Annexure P-3) and National Housing Bank Circulars dated 18.11.2013 (Annexure P-4), 01.07.2016 (Annexure P-5) and 19.07.2019 (Annexure P-6);*
- iii) Directing the Respondent No. 1 and 2 not to take any adverse action against Petitioner in respect of the Loan Transaction Id No. HHLBAG00273113;*
- iv) Directing the Respondent No. 1 to restore the original CIBIL score of the Petitioner;*
- v) Directing the respondent No.1 to pay damages and costs to the petitioner homebuyers for threatening to initiate false and frivolous criminal proceedings against the Petitioner and further directing Respondent No.1 and 2 to pay legal costs to the petitioner homebuyers;”*

3. From the prayer clause it is obvious that the cause of action has not arisen within the territorial jurisdiction of this Court.



4. At this juncture, learned counsel for the petitioner pointing out to the contents of paragraph 7.14 of the petition and states that he has a bona fide apprehension that respondent No.1 may, with mala fide intent, initiate further criminal complaints under Section 25 of the Payment and Settlement Systems Act, 2007 and under the Negotiable Instruments Act, 1881, before the Courts at Gurugram, solely with a view to harass and prejudice the petitioner.

5. This Court is afraid that a writ, order or directions cannot be issued merely on the basis of apprehension, especially when the cause of action has not arisen and that too within the territorial jurisdiction of this Court.

6. Learned counsel for the petitioner has relied upon two decisions of the Apex Court in the cases of ***Kuldip Singh Vs. Subhash Chander & others decided on 28.03.2000 and State of Madhya Pradesh and another Vs. Bhailal Bhai in Civil Appeals No.362 to 377 of 1962 reported in (1964) 6 SCR 261***. A bare perusal of the above judgments indicate that the Apex Court was not looking into the writ jurisdiction of High Court but the facts reveal that in both the cases, civil jurisdiction of the Civil Court and Civil Appellate Court, were under consideration. The parameters of consideration in regard to writ jurisdiction and civil courts are distinct and therefore the aforesaid two decisions have no application in the present case. More so, the petitioner is resident of Rajasthan.

7. Considering the aforesaid, this Court has no manner of doubt that neither the cause of action, nor the petitioner nor the respondents lie

writ petition stands dismissed with liberty to raise the cause before the appropriate forum.

8. Pending application(s), if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

11.02.2026
kanika

(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |