
(1993) 05 P&H CK 0018
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1168 of 1991

Gobind Dall and Flour Mills and Another	APPELLANT
Vs	
Syndicate Bank and Others	RESPONDENT

Date of Decision : 17-05-1993

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115, 16

Citation : (1993) 105 PLR 655(2) : (1993) 105 PLR 655

Hon'ble Judges : S.D. Aggarwala, C.J

Bench : Single Bench

Advocate : None, for the Appellant; None, for the Respondent

Final Decision : Allowed

Judgement

S.D. Agarwala, C.J.—This revision is directed against order dated 18th January, 1991, passed by Sub Judge 1st Class, Jagraon holding that the Civil Court Jagraon had the jurisdiction to entertain this suit.

2. The revisionist (defendant) had taken a loan from the plaintiff-bank. As a security for repayment of the loan, the revisionist deposited documents/title deeds with the bank in respect of the agricultural land situate at village Barde Ke, Tehsil Jagraon, Distt. Ludhiana. Since the amount of loan was not repaid, the bank filed the suit in the Court of Sub Judge 1st Class, Jagraon, as the property in respect of which an equitable mortgage had been created was situate in Jagraon.

3. Section 16 of the CPC clearly provides that a suit for closure, sale or redemption, in the case of mortgage or of a charge upon an immovable property, shall be instituted in the court within the local limits of whose jurisdiction, the property is situated. Since the property which was equitably mortgaged was situate in Jagraon, the suit was clearly maintainable in the Civil Court of Jagraon and it had the jurisdiction to decide the suit. The view taken by the trial court is in accordance with law. The revision petition is accordingly dismissed. Stay of

proceedings is hereby vacated.

4. The parties are directed to bear their own costs.