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**(2019) 01 P&H CK 0451**

**In the Punjab And Haryana At Chandigarh**

**Case No : Civil Writ Petition No. 24337 Of 2018 (O&M)**

Jammu & Kashmir Bank Ltd.

APPELLANT

Vs

State Of Punjab & Ors.

RESPONDENT

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**Date of Decision : 14-01-2019**

**Acts Referred:**

Code Of Civil Procedure, 1908 — Section 151, Order 1 Rule 10  
Constitution Of India, 1950 — Article 226, 227

**Citation : (2019) 01 P&H CK 0451**

**Hon'ble Judges : Ajay Kumar Mittal, J; Manjari Nehru Kaul, J**

**Bench : Division Bench**

**Advocate : Rishabh Gupta, Aalok Jagga, Pankaj Gupta**

**Final Decision : Disposed Off**

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## **Judgement**

Ajay Kumar Mittal, J

This is an application under Order 1 Rule 10 read with Section 151 CPC for impleading the applicant as respondent No.6.

After hearing learned counsel for the applicant, we find that the applicant is not a necessary party to be impleaded as party respondent.

Accordingly, the application is dismissed.

Prayer in the instant writ petition filed under Articles 226/227 of Constitution of India is for issuance of writ in the nature of mandamus directing respondents No.2 to 4 to take physical possession of the mortgaged properties of respondent No.5.

2. Vide order dated 18.12.2018 passed by this Court, respondents No.1 to 4 were directed to ensure that order dated 06.02.2015 passed by District Magistrate, Bathinda was complied with and compliance report submitted to this Court.

3. In pursuance to the aforesaid order, learned counsel for the State has filed the compliance report by way of affidavit of Surinder Pal Singla, Naib Tehsildar, Talwandi Sabo - respondent No.4 in Court today, which is taken on record. Learned State counsel has referred to Annexure R/4-B (page 11) of the reply, which has been jointly signed by the borrower and the authorised officer of the petitioner-bank and submitted that the borrower has offered a settlement to the petitioner-bank and the bank has agreed to consider the same. Accordingly, prayer was made to Deputy Commissioner, Bathinda to defer the proceedings of taking over the possession till 31.07.2019.

4. In view of the above, no further order is called for at this stage. Accordingly, the present petition is disposed of. However, it shall be open to the petitioner either to approach the Deputy Commissioner, Bathinda or to move an application before this Court for revival of the case after 31. 07.2019 in case something survive in the case.