

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2009  
CC 12689-12692/2009

(From the judgement and order dated 29/05/2009 in RSA No. 1371/2008 & RSA No. 1372/2008 & CM No. 10677/2008 & CM No. 10678/2008 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BANK OF INDIA Petitioner(s)  
VERSUS  
JUGAL KISHORE & ORS. Respondent(s)

(With appln(s) for permission to file SLP and office report )

WITH S.L.P.(C)...CC NO. 12900-12903 of 2009  
(With appln(s) for permission to file SLP and office report )

Date: 31/08/2009 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Mr. G.E. Vahanvati, AG  
Mr. Lalit Bhasin, Adv.  
Ms. Nina Gupta, Adv.  
Mr. Mudit Sharma, Adv.  
Ms. Swigin George, Adv.  
Ms. Ishita Sehgal, Adv.  
Ms. Bina Gupta, Adv.

For Respondent(s) Mr. G.L. Rawal, Sr. Adv.  
Mr. Kuljit Rawal, Adv.  
Mr. Ashwani Kumar, Adv.

UPON hearing counsel the Court made the following  
O R D E R

SLP(C)...CC.NO.12689-12692/2009  
Permission to file SLPs granted.

The petitioner Bank sought impleadment as a subsequent mortgagee in a second appeal against a decree for specific performance. The application was rejected and the second appeal was also dismissed. Aggrieved by its non-impleadment, the Bank has filed this SLP.

.....2.

ITEM NO.60 COURT NO.6 DATED 31/8/2009 ....contd.

The petitioner Bank admittedly has initiated proceedings before the Debt Recovery Tribunal and has also initiated action against the Securitization Act. It is open to the Bank to take all steps to recover the amounts said to be due to it, by pursuing the same in accordance with law.

As the Bank seeks relief against the property which is the subject matter of the decree for specific performance of an agreement of sale which is prior to the lease in favour of the borrower and the mortgage in favour of the Bank, it is open to the Bank to implead the

purchaser and establish its right, if it has any right.  
The non-impleadment in the second appeal will not come in  
its way.

Therefore, we find no reason to interfere with the  
impugned order of the High Court by which the application  
of the Bank for impleadment has been rejected and appeal  
has been dismissed. The special leave petitions are  
therefore rejected.

SLP(C).....CC.NO.12900-12903/2009

Permission to file SLPs refused.

( Ravi P. Verma )  
Court Master

( M.S. Negi )  
Court Master