

ITEM NO.16

Court 13 (Video Conferencing)

SECTION IV-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 18322/2021

(Arising out of impugned final judgment and order dated 11-10-2021 in CWP No. 10840/2021 passed by the High Court Of Punjab & Haryana At Chandigarh)

NAVEEN KUMAR

Petitioner(s)

VERSUS

SHUBHAM HOUSING DEVELOPMENT FINANCE CO. LTD. &amp; ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.145110/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 18-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Ms. Satya Siddiqui Adv  
Mr. Purushottam Sharma Tripathi, Adv.  
Mr. T.P. Vipin, Adv.  
Lar Siddiqui, Adv.  
Mr. Marshal Siddiqui, Adv.  
Mr. Ankolekar Gurudatta, AOR

For Respondent(s) Mr. Karan Kapoor, Adv.  
Mr. Manik Kapoor, Adv.  
Mr. Akshay Munjal, Adv.  
Mr. Shashank S. Jha, Adv.  
Mr. Aman Munjal, Adv.  
Mr. Shubham Bhalla, AOR

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

We have heard Mr. Purushottam Sharma Tripathi, learned counsel appearing for the petitioner and gone through the relevant material on record. Despite the fact that possession was already taken and handed over to the auction purchaser, the petitioner did not disclose the same before the High Court and obtained an *ex parte*

order of status *quo*. Thereafter, the High Court has dismissed the Writ Petition in the second round of litigation on the ground of suppression of material facts. Even it is alleged that the petitioner had broken the door and entered the possession for which the criminal proceedings are pending. In a case of suppression of material facts and when a person has tried to prove his possession by breaking open the door and thereafter to show the possession is not entitled to any discretionary relief in a petition, under Article 136 of the Constitution of India.

Under the circumstances, the High Court has rightly dismissed the Writ Petition. We are in complete agreement with the view taken by the High Court. The present Special Leave Petition deserves to be dismissed and is, accordingly, dismissed with exemplary costs of Rs.50,000/- (Fifty Thousand only) to be deposited by the petitioner with the Registry of this Court within a period of four weeks from today. On such deposit, the Registry to transfer Rs.25,000/- to the National Legal Services Authority (NALSA) and Rs. 25,000/- to the Supreme Court Mediation Centre (SCMC).

Pending application stands disposed of.

(R. NATARAJAN)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
BRANCH OFFICER