



[2019] UKFTT 0723 (PC)

REF/2018/0979

**PROPERTY CHAMBER LAND REGISTRATION
FIRST-TIER TRIBUNAL
IN THE MATTER OF A REFERENCE
UNDER THE LAND REGISTRATION ACT 2002**

BETWEEN

NARASH KUMARI BADHAN

APPLICANT

and

JOGA SINGH BASRA

RESPONDENT

Property Address: 27a Parkfield Grove, Wolverhampton WV2 2DG

Title Number: WM382617

Before: Judge Owen Rhys

Sitting at: Birmingham Civil Justice Centre

On: 4th day of October 2019

Applicant representation: In person
Respondent representation: In person (Mr Riaz as representative)

O R D E R

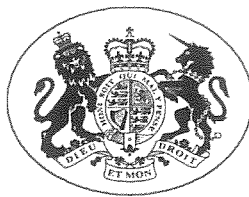
IT IS ORDERED that the Chief Land Registrar shall cancel the Applicant's AP1 application dated 30th July 2018.

Dated this 18th day of November 2019

Owen Rhys

BY ORDER OF THE TRIBUNAL





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DECISION

1. On 30th July 2018 the Applicant applied to HM Land Registry in Form AP1 to register in the Charges Register of title number WM382617 (“the Property”) a Legal Charge dated 1st May 2018. By the purported Legal Charge, the Respondent, as registered proprietor of the Property, charged the Property to the Applicant as security for the repayment of the sum of £9,100 lent to him. The

Respondent objected to the application on the grounds that he had not executed the Legal Charge – that it was a forgery. The dispute was referred to the Tribunal on 13th November 2018. I heard evidence from both the Applicant and the Respondent at the hearing before me. The Applicant represented herself, and the Respondent was represented informally by a Mr Riaz, a friend.

2. The parties were formerly in a personal relationship, which began in approximately 2006, and finally broke down in 2017 when the Applicant obtained a non-molestation order against her former partner. It seems that they were also in a business relationship. There are other proceedings between them which are ongoing in the High Court, and there is due to be a trial in March 2020. This relates to their alleged business partnership.
3. The Applicant's case was succinctly explained in her Statement of Case dated 16th December 2018, as follows:

2. With the consent of Mr Basra and again in front of witnesses Mr Basra agreed for the charge to be registered as I had loaned him the money to clear off his mortgage arrears (under duress and a lot of pressure from Mr Basra) which was backed up by Mrs Manjeet Kaur. Mr Basra instructed me to download CH1 forms and sat next to me while I downloaded the forms. Some parts I completed, others were completed by Mr Basra and witnessed by Mrs Manjeet Kaur.

3. Mr Basra, Mrs Manjeet Kaur and myself then attended VKM Solicitors who questioned Mr Basra why the Confirmation of ID form was for and Mr Basra and the solicitor had a discussion and VKM signed the form. The monies left my account and was BACS to Mr Basra's chosen account. He then in turn paid his mortgages.

4. Mr Basra subsequently refused the charge and claimed it was fraudulent signature. I requested for the funds to be returned immediately which the defendant refused.

5. I did transfer the funds from our company account and the defendant was informed of this and how I want return of my funds asap.

4. The Respondent's Statement of Case is dated 14th February 2019. He denies having executed a charge as the Applicant claims. He says it is a forgery. His

case is that the sum of £9,100 provided by the Applicant was loaned not to him personally, but to UK Finance & Business Solutions Ltd (“the Company”). It is also his case that the Company repaid the sum to the Applicant on 17th September 2018. Accordingly, there are no monies due which are secured on the charge, which in any event he says is forged.

5. Both parties gave evidence, in which they reiterated from the witness box the facts set out in their respective Statements of Case. There was no expert evidence relating to the Respondent’s signature. Mrs Manjeet Kaur, the alleged witness to the CH1, did not attend, although she had made statements out of court which were contradictory.
6. In her oral evidence, the Applicant confirmed that she had been repaid the sum of £9,100 which she had withdrawn from the Company’s account. She had access to this account and had procured the transfer. The Respondent confirmed this too, although he did not accept that she was entitled to draw the monies from the Company. It seems that in the High Court proceedings there may be a dispute regarding each party’s interest in the Company and other associated companies. However, neither party saw fit to produce any of the pleadings or witness statements from those proceedings, and I can only conjecture as to the issues involved.
7. By her AP1 application, the Applicant seeks to register the CH1 charge against the Respondent’s property. The charge which she relies upon secures a capital sum of £9,100. There is no agreement to pay interest or any other sum. On her own evidence, she has been repaid this sum. She says that she is entitled to use company monies to repay the loan and this she has done. The Respondent accepts that the Company borrowed £9,100 from her, and that the Company has repaid her. Even if he objects to the manner in which she achieved repayment, he can scarcely deny that she is entitled to the money.
8. In the circumstances, the charge no longer secures any borrowing. The loan has been repaid. The underlying purpose of the charge – assuming, without so finding, that it was initially valid and enforceable – is now spent. In the circumstances, there is no basis for registering it in the Charges Register. I shall

therefore direct the Chief Land Registrar to cancel the Applicant's AP1 application dated 30th July 2018.

Dated this 18th day of November 2019

Owen Rhys

BY ORDER OF THE TRIBUNAL

