

**237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.1003 of 2014
Date of Decision: September 04, 2015**

Om Parkash

.... Petitioner

vs.

HDFC Bank Limited and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Jasmeet Singh, Advocate for the petitioner.

Mr. A.D.S. Sukhija, Advocate for respondent No.1.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 25.01.2014 (Annexure P-6) passed by learned Addl. District Judge, Jind, vide which in an application filed by under Order XXI, Rule 66 CPC, was allowed and objections of JD No.1 to the main execution petition as well as to the application were dismissed and 1/14 share of the land of the judgment debtor measuring 61 kanals, 2 marlas was ordered to be sold.

The only contention of learned counsel for the judgment debtor (petitioner herein) is that for the recovery of the amount is about ₹10.5 lac and for this amount, the land measuring 61 kanals, 2 marlas cannot be sold.

It is further prayed that the executing court should put only such property to sell, which is sufficient to satisfy the decree.

Learned counsel for the bank-decree holder (respondent No.1 herein) has no objection as the bank is only interested in the recovery of the money.

It being so, the impugned order is modified to the extent that the Executing Court will put only such property to sale, which is sufficient to satisfy the decree.

However, it shall always be open to the the judgment debtor-petitioner to approach the lower court for permission to himself sell a parcel of land so as to satisfy the decree, keeping in view the fact that in case of sale by the court, the auctioned property does not fetch actual market value of the property.

The impugned order is modified to the aforesaid extent.

As such, the present revision petition is partly allowed.

September 04, 2015
sarita

(KULDIP SINGH)
JUDGE