

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1962 of 2014(O&M)
Date of decision : November 20, 2015

Central Bank of India

..... Petitioner

Versus

MD Punjab State Civil Supplies Corporation Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. C. S. Pasricha, Advocate
for the petitioner.

Mr. R. K. Singla, Advocate
for respondent Nos. 1 and 2.

Mr. S. S. Salar, Advocate
for respondent Nos. 3 and 4.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).

The petitioner-defendant has challenged the impugned order dated 29.4.2013 passed by the District Judge, Ludhiana allowing the objections viz-a-viz land measuring 9 Kanal 2-2/3 Marla i.e. 5525.76 sq.yard.

Learned counsel appearing on behalf of the petitioner submits that in the objection petition it was categorically mentioned that besides the aforementioned property there was another property but somehow the objecting court only noticed the one property. Thus, the bank is aggrieved.

Mr. R. K. Singla, learned counsel appearing on behalf of respondent Nos. 1 and 2 and Mr. S. S. Salar, learned counsel appearing on behalf of respondent Nos.3 and 4 submit that there is no illegality and perversity in the order and the same is liable to be affirmed.

I have heard learned counsel for the parties and appraised the paper book.

During the course of hearing, learned counsel for the petitioner has drawn attention of this Court to the objection petition Annexure P-1 and wherein there is reference of numbers of other properties . However, same have not been noticed by the trial court/executing court for the purpose of taking out, from the realm of sale for realizing a decree of decree holder which has not rebutted by respondent's counsel.

I am of the view that the matter requires to be remanded back as there is illegality and perversity.

Keeping in view the aforementioned facts, the impugned order is set aside. The matter is remitted back to the District Judge, Ludhiana to decide the objection petition filed by the Bank afresh by taking into consideration the entire pleadings culled out therein.

Parties through their counsel are directed to appear before the Objecting Court on 14.12.2015.

Any observation made by this Court shall not be construed as an expression on the merits of the case.

It is expected that the District Judge shall decide the

objection petition as expeditiously as possible, preferably within a period of four months.

Civil revision petition is accordingly allowed.

(AMIT RAWAL)
JUDGE

November 20 , 2015
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