

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 2533 of 2015 (O&M)
Date of decision: 4.5.2015

Ashok

.. Petitioner

v.

Smt. Sunita and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. R. S. Mamli, Advocate for the petitioner.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 18.3.2015, passed by District Judge (Family Court), Bhiwani, whereby sale of part of the property owned by the petitioner was confirmed in execution of the order passed for recovery of maintenance from him.

In the case in hand, execution was filed on 20.3.2010 for recovery of ₹ 55,000/- as maintenance for the period from 17.8.2005 to 17.3.2010 in terms of the order dated 26.2.2010. On 17.5.2011, Tehsildar, Bhuna was directed to sell the attached property and recover the amount from the petitioner as arrears of land revenue. After sale of property on 2.7.2011, two drafts of ₹ 15,000/- and ₹ 40,000/- were received from Naib Teshildar, Bhuna. On 19.7.2011, application was filed by the petitioner for setting aside the sale. On 16.11.2011, the auction purchaser filed the application for confirmation of sale. Application dated 19.7.2011 filed by the petitioner for setting aside of sale was dismissed on 17.12.2014. Nothing has been pointed out by learned counsel for the petitioner that the aforesaid order was challenged any further or not. The amount deposited in court was withdrawn by the wife of the petitioner and the execution petition was

dismissed as withdrawn on 18.1.2012.

In view of the aforesaid factual matrix, the court below has confirmed the sale in favour of the auction purchaser. As the order dated 17.12.2014, vide which the objections filed by the petitioner to the sale were dismissed was not challenged by the petitioner, the present petition filed against the order of confirmation of sale is misconceived as the same is necessary consequence after dismissal of the objections. The property was sold way back on 2.7.2011. The auction money was deposited. The petitioner had ample opportunity to deposit the amount of maintenance from 2005 onwards and even at the stage when the property was put to auction, but he did not take any step to deposit the same. Hence, there is no merit in the contentions raised by learned counsel for the petitioner.

Accordingly, the present petition is dismissed.

(Rajesh Bindal)
Judge

4.5.2015
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