

CR-2537-2015 (O&M)

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

**CR-2537-2015 (O&M).
Decided on: April 10, 2015.**

Haryana Urban Development Authority

..... Petitioner

Versus

Girish and others

..... Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Deepak Balyan, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

Counsel for the petitioner submits that the amount due to be paid to decree holder- respondent No.1 is approximately Rs.10 crores and that the petitioner- objector has got no intention to withhold the said amount but in order to safeguard the rights of the petitioner, some security should be furnished by the decree holder.

I have heard the learned counsel for the petitioner and I am of the opinion that no application has been filed by the petitioner for any conditional release. The property of the petitioner0 judgment debtor has been attached vide impugned order as no objection under Order XXI Rule 54 CPC, against attachment was filed. The proclamation of sale by public auction has already been issued under Order XXI Rule 66 CPC.

After hearing the counsel for the petitioner, I am of the opinion that as the decree holder has got an intention to discharge the liability by paying the amount due to the land owners-respondent No.1, there is no bar for the petitioner to file an objection against attachment or seek adjournment by moving an application for stoppage of sale as per the provisions of Order XXI Rule 69 CPC. It is always open to the petitioner to offer the decretal amount before the executing Court and stall apprehended sale of the property.

In view of above circumstances, I do not deem it appropriate to intervene in the order dated 2.3.2015 as no ground is made out for interference. However, this petition is disposed of with liberty to the petitioner to offer the decretal amount before the executing Court and seek any further orders in accordance with law regarding disbursal of the conditional release in case so permissible.

April 10, 2015.
rka

(M.M.S. BEDI)
JUDGE