

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4276 of 2013 (O&M)
Date of Decision: 13.01.2015

Parminder Singh

...Petitioner

Versus

Balbir Singh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the 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?*

Present: Mr. Nitin Thatai, Advocate
for the petitioner.

Mr. Gurpreet Singh, Advocate
for respondent No.1.

Mr. Sachin Sharma, Advocate
for respondent No.2.

R.P. Nagrath, J. (Oral)

Petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India for quashing sale proceedings held on 31.08.2012 (Annexure P-8) and the impugned order dated 28.05.2013 (Annexure P-11) whereby objection application filed by the petitioner under Section 60(c), Order XXI Rule 90 read with Section 47/151 of the Code of Civil Procedure has been dismissed.

Learned counsel for the parties are ad idem that against the impugned order dated 28.5.2013 (Annexure P-11) passed by the

Executing Court, appeal would be maintainable as the objections were filed mainly in terms of Order XXI Rule 90 and Section 47 of the Code of Civil Procedure and one of the ground taken was that this is a residential house which is exempt from attachment in terms of Section 60(1) (c) of the Code.

The instant petition is, therefore, disposed of with liberty to the petitioner to file appeal against the impugned orders. If the same is filed within three weeks from today, the Appellate Court would condone the delay in presenting appeal as the instant petition was filed on 08.07.2013. Learned counsel for the respondent, however, contends that plea with regard to the exemption in terms of Section 60(1) (c) of the Code cannot be raised by the petitioner as he had been participating in execution proceedings and no such objection was taken. If permissible, the respondents would be at liberty to raise the above contention in the appeal.

In case the appeal is filed within three weeks from today, the stay operating with regard to dispossession and confirmation of sale as ordered on 19.07.2013 would continue to operate till the filing of the appeal and any prayer for further extension of stay could be raised and decided by the Appellate Court.

13.01.2015
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(R.P. Nagrath)
Judge