

IN THE HIGH COURT OF PUNJAB & HARYANA HIGH COURT
AT CHANDIGARH

Civil Revision No.752 of 2015

Date of Decision: 02.02.2015

Jagdish Chander

..... Petitioner

Vs.

Sukhwinder Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Parshotam Lal Singla, Advocate for the petitioner/J.D.

JASWANT SINGH, J. (ORAL)

The judgment debtor is in revision aggrieved by the order dated 29.05.21014 (**P-2**), passed by learned Additional Civil Judge (Sr. Divn.), Phillaur, whereby his objections to the execution of a decree for recovery of double the amount of the earnest money along with interest and compensation were dismissed. Further challenge is to the order dated 11.12.2014 (**P-3**), whereby warrants of sale had been issued as per the laid down schedule.

Learned Counsel for the judgment debtor states that although his application under Order 9 Rule 13, CPC for setting aside the *ex parte* decree dated 17.05.2013 in favour of the decree holder-Smt. Sukhwinder Kaur is pending, however, his client is ready to pay the entire decretal amount and, therefore, prayer is for setting aside the impugned order.

Having heard learned Counsel for the petitioner, this Court finds that the order dated 29.05.2014 (**P-2**) dismissing his objections was filed 8 months back and, therefore, revision under Article 227 of the Constitution qua the same is not liable to be entertained after such a delay.

As regards, the plea that he is willing to settle, the provisions of the Code of Civil Procedure afford an opportunity to the judgment debtor to deposit the decretal amount along with 5% of the auction sale to satisfy the decree. In the present case, concededly the auction stands conducted on 22.01.2015 pursuant to the schedule at (**P-3**) and, therefore, the said plea, if at all, is required to be taken before the Executing Court.

In view of the above, no ground to interference is made out, the present petition stands dismissed.

February 02, 2015
Gagan

(JASWANT SINGH)
JUDGE