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

**ESA No.43 of 2015 (O&M)
Date of Decision: 03.09.2015**

GURPREET SINGH

.....Appellant

Vs

STATE BANK OF PATIALA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Satbir Rathore, Advocate
for the appellant.

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?*

RAJ MOHAN SINGH, J.(Oral)

[1]. Second appeal in execution filed by the auction purchaser against the order vide which judgment-debtor has been allowed to deposit the amount along with 5% of the amount required under Order 21 Rule 89 CPC.

[2]. According to learned counsel for the appellant judgment-debtor has already deposited the aforesaid amount.

[3]. I have considered the submission made by the petitioner. The deposit of amount by the judgment-debtor cannot be held to be illegal in view of requirement under Order 21 Rule 89 CPC which has been interpreted in 2011(3) CCC 437, Patnam Subha Lakshmaman v. Sunkugari Sreenivasa Reddy, 2008(1) CCC 711

S.L. Chotoni v. Bank of India and **2013(1) RCR (Civil) 837, Ram Karan Gupta v. J.S. Exims Ltd.** In case of **Kharaiti Lal v. Raminder Kaur, 2003(3) CCC 688** the Hon'ble Apex Court has held that it is open to judgment-debtor to make deposit to save his property.

[4]. In view of above, present appeal is dismissed, however auction purchaser would be at liberty to receive his bid amount in accordance with law.

Sept. 03, 2015

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(RAJ MOHAN SINGH)
JUDGE