

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1085 of 2013

Date of Decision.05.02.2016

Bhupinder Singh

.....Petitioner

Vs.

Harbans Singh and others

.....Respondents

Present: Mr. Sandeep Punchhi, Advocate
for the petitioner.

Mr. M.L. Saggar, Senior Advocate with
Mr. Sunny Saggar, Advocate
for respondent No.1.

Mr. Ashok Kumar, Advocate
for respondent No.3.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. A patent illegal order which the counsel states, cannot still be a matter for intervention by the Court if there is a provision for appeal. Such a provision for appeal exists against an order passed in an application by judgment debtor to set aside court auction sale. The revisional jurisdiction will be invoked only if there is no provision for appeal. The revision petition is not maintainable.

2. The revision petitioner will have the liberty to approach the Appellate Court under Order 43 CPC and if there is any delay in filing the appeal, the petitioner will file an application for condoning the same and may take the bona fide prosecution of the revision petitioner before this

Court as a ground for condonation of delay. The petitioner may also seek

for appropriate direction before the Court of appeal about how the amount which has been deposited by the auction purchaser will be treated.

3. The revision petition is disposed of with the above observations.

(K. KANNAN)
JUDGE

February 05, 2016
Pankaj*