

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 2419 of 2016
Date of decision : April 4, 2016

Balwinder Singh @ Binder

..... Petitioner

Versus

Ramandeep Kaur and others

..... Respondent

CR No. 2420 of 2016

Balwinder Singh @ Binder

..... Petitioner

Versus

Yadwinder Singh and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

**Present:- Mr. Mohit Garg, Advocate
for the petitioner.**

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?

Amit Rawal, J (oral).

This order of mine shall dispose of two Civil revisions bearing CR No. 2419 and 2420 of 2016.

The petitioner-judgment debtor is aggrieved of the dismissal of the objections qua auction of the property in pursuance

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to the execution of the MACT award dated 21.4.2012 passed in MACT Case No. 27-T dated 17.7.2008.

Learned counsel appearing on behalf of the petitioner submits that the award aforementioned, though already entitled the claimants to recover the amount against the driver and owner jointly and severally but instead of seeking execution of the decree against the owner, claimants have sought auction of the property viz-a-viz petitioner-driver. The land of the petitioner was sold at an amount of ₹17,65,000/- whereas the compensation was ₹21,94,000/-. The auction was not conducted in the manner as prescribed in the CPC as the market value of the land is ₹1 crore per acre. The courts below have dismissed the application without taking into consideration the fact that the FAO filed by the owner has been dismissed in view of the fact that both driver and owner are jointly and severally held responsible.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that no application/objections have been filed under Order 21 Rule 66 CPC but the objections have been filed only against the conduct of auction, failing to raise any objections as per aforementioned provisions qua proclamation, the petitioner cannot raise objections qua conduct of auction. If at all the petitioner is aggrieved of the auction, nothing prevented him to pay the liability owing to passing of the award and save the property from being sold in auction. Even the FAO filed by the owner has also been dismissed.

I do not find any illegality and perversity in the

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impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petitions are devoid of merits.

Accordingly the same are dismissed.

(AMIT RAWAL)
JUDGE

April 4, 2016
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