

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3858 of 2015 (O&M)

Date of Decision: 28.04.2016

State of Punjab and Another

... Petitioner(s)

Versus

Subhash Chander Bagga

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. B.S.Sra, Additional Advocate General,
Punjab, for the petitioner(s).

Mr. Arnav Sood, Advocate
for the respondent(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 20.3.2015, passed by learned Civil Judge (Senior Division), Jalandhar, whereby the buses of the petitioners were put on sale by way of auction on 29.7.2015.

Learned State counsel, while assailing the said order, submitted that on 7.8.2010, an application under Order 21 Rules 58 & 59 CPC was moved by the petitioners for adjudication and

determination of claim of the respondent before putting the attached property on sale and objections. But the said application and objections were not entertained by the learned Executing Court and fixed the date of auction of the attached government property for 9.10.2010 and the said order is liable to be set aside.

At the time of arguments, an objection was raised by learned counsel for the respondent that there was no such application under Order 21 Rules 58 & 59 CPC on the file of the learned Executing Court and learned State counsel had sought time to check up the fact and thereafter, on instructions, submitted that there was no such application.

That being the case, as petitioners asserted their claim mainly on the point that application under Order 21 Rules 58 & 59 CPC, having been filed by the petitioners, was not considered, is factually incorrect and in absence of that, petitioners have no ground to challenge the impugned order.

In view of above, present petition is without any merit and the same stands dismissed.

(Shekher Dhawan)
Judge

April 28, 2016
"DK"