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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5069-2015 (O&M)

Date of decision : 07.09.2016

Manjit Singh

... Petitioner

Versus

Gurmeet Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Manjit Singh-petitioner in person.

Mr. R.K. Shukla, Advocate
for respondent Nos.1 to 4.

Mr. Gaurav Goel, Advocate
for the applicant/respondent No.7.

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)

CM-3643-CII-2016

Prayer in this application for for impleading the applicant-
Gurjit Singh-Auction Purchaser- as respondent bearing No.7 on the ground
that a valuable right has accrued.

For the reasons stated in the application which is duly
supported by an affidavit, the application is allowed and the applicant,
namely, Gurjit Singh, is impleaded as respondent No.7.

CR-5069-2015

The petitioner is the driver of vehicle involved in the alleged accident. As a result thereof, MACT case was filed and the compensation of ₹ 5,86,000/- along with interest @ 7.5% per annum has been awarded to the claimants in equal shares, in essence, 50-50 by apportioning the liability between respondent Nos.1 & 2 jointly and severally. Since, the vehicle was not insured, the property/land of the petitioner-driver has been put to auction. It is the auction proceedings which have been challenged in the present revision petition as the application under Order 9 Rule 13 CPC has been dismissed. This Court while issuing the notice of motion stayed further proceedings before the Executing Court subject to the deposit of ₹ 2 Lacs before the Executing Court as auction purchaser had paid a sum of ₹ 2 Lacs.

Mr. Ashish Gupta, learned counsel appearing on behalf of the petitioner-Driver submits that his client is willing to compensate the auction purchaser with regard to the amount of auction money, stated to have been deposited.

Mr. Gaurav Goel, learned counsel appearing on behalf of the respondent No.7 submits that as per the order dated 10.05.2016 the rights of the parties have already been crystallized, whereby the statement of Mr. Ashish Gupta for settling the matter with the auction purchaser by returning the auction amount along with interest and litigation expenses has been taken care of.

In view of the facts and circumstances of the case, I am of the view that since, the claimants have already been compensated viz-a-viz the share of the petitioner-driver, by the amount of auction money, the ex parte

proceedings against the petitioner-driver are hereby set aside subject to the condition that the entire amount of auction purchaser i.e. ₹ 6,00,000/- shall be given to the auction purchaser within a period of one month along with interest @ 9% from the date of the receipt of the certified copy of this order and ₹ 25,000/- as litigation expense against the receipt. The counsel for the auction purchaser has assured that he will not proceed further in taking of the possession of the property put in auction. The petitioner-driver is free to withdraw the payment of ₹ 2,00,000/- already deposited before the Executing Court. However, this order of mine will not prevent the petitioner-driver to recover the amount from the owner in accordance with law.

In case, the aforementioned amount is not paid, liberty is granted to the auction purchaser-respondent No.7 to revive the present revision petition.

With the aforesaid observations, the revision petition stands disposed of.

07.09.2016
yogesh

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**