

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

**CR-6648-2013 (O&M)  
Date of decision : 18.10.2016**

Chajju Ram

... Petitioner

Versus

Punjab National Bank and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Prateek Mahajan, Advocate  
for the petitioner.

Mr. G.S. Anand, Advocate  
for respondent No.1.

Mr. Zorawar Singh, Advocate for  
Mr. N.S. Shekhawat, Advocate  
for respondent No.3.

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**AMIT RAWAL, J. (ORAL)**

The petitioner-third party objector is aggrieved of the impugned orders dated 14.06.2010 & 11.07.2013 (Annexures P-1 & P-2), whereby the objection against the execution of the judgment and decree dated 26.04.2002 has been dismissed and the appeal filed thereto also met with the same fate.

Mr. Prateek Mahajan, learned counsel appearing on behalf of the petitioner submits that the property in question was owned by Inder Lal. On his demise, he left behind widow, namely, Chandro Devi and five children i.e. three sons and two daughters. However, Raghunath by playing a fraud upon the widow-Chandro Devi got the sale deed of the suit property

in question mortgaged the same with the Bank. He became a defaulter and result thereof, the respondent No.1-Bank has filed a suit for recovery of ₹ 24,195/- and the same was decreed with interest and the execution petition at the behest of Bank was filed for recovery of ₹ 68,400/- on 18.09.2002. However, in the meantime, the property has been put to auction and the respondent No.3 has been held to be a successful bidder.

He further submits that he is willing to pay the entire outstanding dues of the Bank in order to save the property as they were found to be in possession. The sons have not able to pay the outstanding amount as they are doing a nominal job like hawkers and tea vendor. It is very difficult for them to sustain. Even the liability of the bank would be paid by taking different loan and they have no other shelter or house for staying.

Mr. G.S. Anand, learned counsel appearing on behalf of the respondent No.1-Punjab National Bank submits that he has no objection, in case, decretal amount is paid to the Bank along with interest as indicated in the execution petition.

Mr. Zorawar Singh, Advocate for Mr. N.S. Shekhawat, learned counsel appearing on behalf of respondent No.3 submits that he is a *bona fide* purchaser for a valuable consideration in pursuance to the auction. Even if the decree is set aside, he cannot be deprived of the title and interest in the property and otherwise, the people would stop losing faith in the auctions conducted by the Court. He has already deposited entire amount of ₹ 80,000/- for which the house has been sold, thus, urges this Court for dismissal of the revision petition.

In rebuttal, Mr. Prateek Mahajan, learned counsel appearing on behalf of the petitioner submits that in pursuance to the interim order dated 20.11.2013, a sum of ₹ 40,000/- has already been deposited in the Executing Court and the remaining outstanding dues shall be deposited within a period of four months.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the offer given by Mr. Prateek Mahajan, is legal and justified provided that the entire outstanding amount of the Bank as undertaken is paid within a period of four months.

He is also liable to compensate the auction purchaser by paying the interest @ 12% on the amount of ₹ 80,000/- stated to have been deposited by the auction purchaser in pursuance to the auction from the date of the deposit till its realization.

For the foregoing reasons, the impugned orders dated 14.06.2010 & 11.07.2013 is hereby set aside and the revision petition is disposed with the following directions:-

1. The petitioner-third party objector, who is in occupation of the residential house which has been sold in auction, shall deposit the entire outstanding amount after adjustment of ₹ 40,000/- ordered to be deposited by this Court, to the Executing Court within a period of four months from the receipt of the certified copy of the order.
2. A sum of ₹ 40,000/- along with interest incurred thereon deposited in the Court as per order dated 20.11.2013 shall also be remitted to the Bank.

3. The petitioner shall also pay interest @ 12% on the amount of ₹ 80,000/- stated to have been deposited by the auction purchaser in pursuance to the auction conducted by the Executing Court within a period of four months only.

In case, the aforementioned directions are not complied with, the impugned order dated 11.07.2013 shall automatically come into force.

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

**18.10.2016**  
Yogesh Sharma

**( AMIT RAWAL )**  
**JUDGE**

|                           |         |
|---------------------------|---------|
|                           | ✓       |
| Whether speaking/reasoned | Yes/ No |
|                           | ✓       |
| Whether Reportable        | Yes/ No |