

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 781 of 2015

Date of Decision:- 19.02.2016

Ram Niwas

....Petitioner

Versus

Punjab National Bank and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Present:- Mr. J.S.Thind, Advocate,
for petitioner.

Mr. H.S.Bathia, Advocate,
for respondent No.1.

SHEKHER DHAWAN, J.

Present revision petition under Article 227 of the Constitution of India for setting aside the impugned order dated 05.01.2015 passed by executing Court, Civil Judge (Sr. Division) Hisar whereby the sale of auction dated 02.02.2015 of the attached property/land measuring 30K-0M being share of total land measuring 432K-03M situated at Village Mirzapur, Tehsil and District Hisar, has been ordered.

2. Learned counsel for petitioner submitted that the executing Court has not appreciated the correct facts and has not taken into consideration all the facts before passing order for sale of the property.

More so, necessary party has not been impleaded and order is liable to be set aside.

3. Learned counsel for respondent submitted that executing Court has already considered all the stages before passing the order for sale of the property and present petition is without any merit and same may be dismissed.

4. Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that facts are not disputed that petitioner had taken loan for purchase of tractor from the respondent-Bank. Thereafter civil Court decree was passed and the same had attained finality. The execution proceedings were initiated and after completing all the stages, passed the impugned order. Even the objection petition was filed by the petitioner, but the same was dismissed and thereafter property was ordered to be auctioned. Even the date for sale of the property was fixed to be 02.02.2015 and petitioner approached this Court without any valid objection.

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

February 19, 2016

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(SHEKHER DHAWAN)
JUDGE