

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7911 of 2013 (O&M)

Date of decision: 10.05.2017

Harminder Singh and another

... Petitioners

Vs.

M/s Jai Ram Dass Sharwan Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Jagdish Manchanda, Advocate
for the petitioners.

None for respondents No.1 & 2.

Ms. Puja Chopra, Advocate
for respondents No.3 & 4.

Mr. Ashok Gupta, Advocate and
Mr. Eklavya Gupta, Advocate
for respondent No.5.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition, at the hands of auction purchasers, filed under Article 227 of the Constitution of India, is directed against the order dated 11.12.2013 (Annexure P-7), whereby an application moved by another set of auction purchasers under Order 21 Rule 66 of the Code of Civil Procedure ('CPC' for short) for issuance of proclamation of sale was allowed.

Notice of motion was issued.

Heard learned counsel for the parties.

Learned counsel for the parties are ad idem that there were eight

suits for recovery filed against respondent No.4. Seven suits for recovery were decreed by the learned Court of competent jurisdiction at Kurukshetra and 8th suit for recovery was decreed by the learned Court at Kaithal. In execution of the money decree passed by the learned Court at Kaithal, property of the judgment-debtor/respondent No.4 was put to auction, which was purchased by the present petitioners in the auction sale. However, when said sale was not being confirmed, petitioners moved an application before the learned Civil Court at Kaithal for confirmation of sale in their favour. Said application moved by the petitioners came to be declined by the learned Civil Judge (Sr. Divn.), Kaithal vide order dated 29.09.2004 (Annexure P-2). This order was never challenged by the petitioners.

The learned Court of competent jurisdiction at Kaithal, while passing the abovesaid order dated 29.09.2004, also transferred the execution petition to the learned Court of competent jurisdiction at Kurukshetra. Without challenging the abovesaid order dated 29.09.2004, petitioners moved another application before the learned Court at Kurukshetra, seeking confirmation of the earlier auction sale in their favour, however, said application was also dismissed vide order dated 11.03.2013. Having said that, this Court feels no hesitation to conclude that learned Court below was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It is also not in dispute that there is no stay order in favour of the petitioners granted by any higher Court in any litigation at their instance. Once there is no such restraint order in favour of the petitioners, the learned executing Court was rightly proceeding further to ensure effective execution of the money decree. Under these undisputed facts and circumstances of the case, it can be

safely concluded that the learned Court below committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order passed by the learned Court below, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order passed by the learned trial Court has been found duly supported by sound reasons and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

10.05.2017
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No