

(113) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM No.27774-CII of 2017 and
CM No.27775-CII of 2017 and
CR No.8570 of 2017

Date of decision: 21.12.2017

Harbhajan Singh

.... Petitioner

Versus

Paramjit Kaur and Others

..... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Sandeep Bansal, Advocate for the petitioner.

Mr. Sanjeev Pandit, Advocate for respondent Nos.1
and 2.

Mr. Ajit Sihag, Advocate for the applicant/
respondent No.10.

B.S. Walia, J. (Oral)

CM No.27774-CII of 2017

[1] Application duly supported by affidavit has been moved
by the auction purchaser to be impleaded as a respondent.

[2] For the reasons as are mentioned in the application, the
same is allowed subject to all just exceptions. Applicant is ordered
to be impleaded as respondent No.10.

[3] Registry to make the necessary amendment in the
memo of parties.

CM No.27775-CII of 2017 & Main case

[1] Application has been filed by added respondent No.10 for directions to the Executing Court to immediately refund Rs.14,00,000/- which was deposited by him as successful bidder in auction proceedings in case titled as 'Paramjit Kaur and another v. Harbhajan Singh and others' pending before the learned Civil Judge (Jr. Divn.), Dasuya.

[2] Revision petition challenges order dated 02.11.2017 (Annexure P-2) passed by the learned Civil Judge (Jr. Division), Dasuya dismissing the objections filed by the judgment-debtor with a prayer that the petitioner be allowed to pay the decretal amount.

[3] Pursuant to the notice issued, Mr. Sanjeev Pandit Advocate put in appearance on behalf of respondent Nos.1 and 2 while Mr. Ajit Sihag, Advocate has put in appearance on behalf of auction purchaser i.e. respondent No.10. Learned counsel for the respondents state that they have no objection if the impugned order dated 02.11.2017 (Annexure P-2) is set aside and the petitioner allowed to deposit the decretal amount subject to costs, being awarded to the respondents on account of having been compelled to put in appearance before this Court as also to compensate respondent No.10 on account of loss of interest on deposit of Rs.14 lacs before the learned Executing Court for a period of approximately six months.

[4] Learned counsel for the respondents further pray that the amount of Rs.13 lacs deposited by the petitioner representing the decretal amount be directed to be released by the Registrar of

this Court to the plaintiffs/respondents No.1 and 2 in equal proportion.

[5] For the reasons noted above, the impugned order dated 02.11.2017 (Annexure P-2) dismissing the objections filed by the petitioner-JD to the execution application filed by decree-holder plaintiffs/respondents No.1 and 2 is allowed subject to payment of Rs.15,000/- as costs to respondent No.10 within two weeks from today.

[6] Registrar of this Court shall release Rs.13 lacs deposited by the petitioner to respondents No.1 and 2 i.e. plaintiffs in equal proportion at the earliest after due verification.

[7] Learned Execution Court shall refund Rs.14 lacs deposited by respondent No.10 at the earliest in accordance with law.

[8] Revision petition stands disposed of as above. Learned Executing Court on satisfaction of compliance with aforementioned direction shall dispose of the execution petition in accordance with law.

**(B.S. Walia)
Judge**

21.12.2017

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Note:

1. Whether the order is speaking/reasoned: Yes/No.
2. Whether the order is reportable : Yes/No.