

249

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

**C.R. No.2444 of 2017
Date of Decision: 20.03.2018**

Janak Raj

.

.....Petitioner

Versus

Punjab State Power Corporation Ltd. & ors.

.....Respondents

CORAM: HON'BLE MR. ANIL KSHETARPAL

Present:-

Mr. C.M. Munjal, Advocate
for the petitioner.

Mr.H.S. Sethi, AAG, Punjab.

Mr. Pawan Sharda, Advocate
for respondent No.1.

ANIL KSHETARPAL J.(oral)

Mr. Pawan Sharda, Advocate has put in appearance on
behalf of respondent No.1.

While issuing notice of motion on April 05, 2017, this
Court had passed an order which reads as under:-

“Learned counsel for the petitioner inter alia contends that the impugned order dated 20.02.2017 whereby conditional warrants of arrest of the petitioner to appear in the Court have been issued, is against the letter and spirit and canons of Section 51 of the Code of Civil Procedure (for short , “Code”). Earlier, the warrants of attachment of property of the petitioner were ordered by the executing court, but without putting the attached property on sale for the recovery of amount in question, his warrants of arrest have been issued under Order 21 Rule 37 of the Code.

Learned counsel for the petitioner further contends that once the recovery of amount of the decree in question has been ordered through attachment of his

property and putting the said property on auction, the conditional warrants of arrest issued, is otherwise not permissible under law.

Notice of motion to the respondents for 12.10.2017.

Meanwhile, operation of impugned order dated 20.02.2017 is stayed.”

Learned counsel for the petitioner has submitted that he has no objection if the property which has already been attached be put to sale first of all in public auction. He has further submitted that although there are various decrees against the petitioner, however, the total amount payable is about thirty lacs, whereas the property attached is much more.

In view of the aforesaid statement made, the order under challenge is set aside for the time being. The executing Court would first take step to sell the property which is under attachment and would also be at liberty to order sale of the property by consolidating the execution petitions, if they are more than one. After making sincere endeavour to sell the property through public auction, the executing Court would also be at liberty to proceed with the matter in accordance with law.

Disposed of accordingly.

(ANIL KSHETARPAL)
JUDGE

March 20, 2018

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No