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

CR-2866-2015 (O&M)

Date of decision : 27.04.2018

Punjab and Sind Bank

... Petitioner(s)

Versus

Kulwant Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. A.B.S. Sidhu, Advocate
for the applicant/petitioner.

Mr. A.S. Sra, Advocate for
Mr. B.S. Sidhu, Advocate
for respondent Nos.1 to 3.

AMIT RAWAL, J. (ORAL)

CM-3305-CII-2018

For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed and the revision petition, aforementioned, is ordered to be restored to its original number.

CR-2866-2015

The present revision petition is directed against the order dated 11.09.2014, whereby the execution application at the instance of the petitioner-Bank seeking recovery of ₹6,95,000/- along with interest, has been dismissed on the ground that the Bank is not able to find bidder.

Learned counsel for the petitioner-Bank submitted that the auction in the aforementioned case was listed for 28.08.2014, but there was a threat of Kissan Union Agitation, accordingly, an application dated

11.09.2014 (Annexure P-2) was submitted to direct the revenue officers/officials for conducting the auction proceedings at Tehsil Complex, Malout as well as for granting the time. In the meantime, respondent-judgment debtor moved an application for compromise. Such request had been sent to the Zonal Officer. Instead of deciding the application, execution application has been dismissed, thus, there is a gross illegality and perversity and urges this Court for setting aside the impugned order, under challenge.

Learned counsel appearing on behalf of the respondent submitted that there is no illegality and perversity in the impugned order, under challenge, for, the Bank has not been able to bring the bidder and the Court had left with no other option, but to dismiss the execution application, thus, urges this Court for dismissal of the present revision petition.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is force and merit in the submissions of Mr. Sidhu. The filing of the application for appropriate direction to the revenue officials to conduct the auction proceedings at Tehsil Complex, Malout and for seeking time considering the compromise submitted by the respondent-defendant is not in dispute as the same is not disputed by the other side. In such circumstances, the Court should have adjourned the execution application and ought not to have dismissed the application in a haste manner. The whole purpose is to carry out the proceedings in a pragmatic and reasonable manner and obviate the agony of the affected party, but not in the manner and mode, as noticed above.

As an upshot of my observations, the impugned order, under challenge, is not sustainable in the eyes of law and the same is hereby set

aside. The execution application is ordered to be restored to its original number.

Resultantly, the present revision petition stands allowed.

	(AMIT RAWAL)
	JUDGE
	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No