

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

CR No.2546 of 2018

Date of decision: 11.05.2018

Bharat Bhushan

.. Petitioner

vs.

Ajit Singh

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Angraze Singh Dhindsa, Advocate
for the petitioner.

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Harinder Singh Sidhu, J.

This revision petition has been filed against the impugned order dated 27.03.2018 passed by the Civil Judge (Jr. Division), Chandigarh whereby his application for withdrawal of the warrants of sale of property in execution of a decree for money under Order 21 Rule 66 CPC has been dismissed. Further challenge is to order dated 01.03.2018 whereby the property has been ordered to be sold in public auction.

The respondent filed an eviction petition against the petitioner, which was allowed by the Rent Controller, Chandigarh vide his order dated 12.02.2008. The Appellate Authority dismissed his appeal on 12.05.2009. The respondent filed the suit for recovery of Rs.74,515/- being arrears of rent of the tenanted premises in occupation of the petitioner. The recovery suit was allowed vide order 02.04.2012. Thereafter, the petitioner availed of various remedies including filing a revision petition, which was dismissed on 04.09.2014. When finally in the execution proceedings, the Court issued warrant for sale of property under Order 64 Rule 21 CPC, the petitioner filed an application for withdrawal of the warrants of sale of property, which has been dismissed by the impugned order.

In the impugned order, it has been noticed that after the property of the petitioner - the Judgment Debtor had been attached, the Court on 16.11.2017 ordered for the auction of the properties. It was noticed that the petitioner had not paid the decretal amount but had been prolonging the matter on one pretext or other. Even in the application the petitioner had not offered to deposit the entire amount. It was accordingly held that there was no ground to withdraw the warrants for sale of the property in execution. However, the petitioner was given liberty to pay the decretal amount to the decree holder at the spot on the date of the auction in which event the auction would be stopped.

There is no ground to interfere in the impugned orders. Thus, the revision petition is dismissed.

11.05.2018
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No