

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4749 of 2018

Date of Decision: 27.07.2018

Swaran Bansal

.....Petitioner

Vs.

Ashok Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Aman Bahri, Advocate, for the petitioner.

Mr. Kushagra Mahajan, Advocate, for respondent no. 1.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the orders of the learned Civil Judge (Senior Division), Chandigarh (executing Court), dated 26.03.2018 and 27.03.2018, which read as follows:-

Order 26.03.2018

“Report of Local Commissioner has been received. Sale deed dated 07.02.2018 executed between the parties has also been filed which is taken on record. Sh. Ashok Kumar judgment debtor has come present and stated at bar that he wants to file an objection to the said sale deed dated 07.02.2018.

Now for filing of same to come up on 31.03.2018.”

Order 27.03.2018

“Objection/Discrimination of the sale deed dated 07.02.2018 has been presented today. Copy of the same has also been supplied to the opposite party for filing of reply to this very application.

Now, for filing of reply to this very application, to come up on the date already fixed, i.e. 31.03.2018.”

Mr. Bahri, learned counsel for the petitioner, submits that the judgment-

debtor, i.e. the first respondent herein, having been granted liberty by this Court, vide its order dated 13.09.2017, passed in CR No. 7343 of 2015 (copy Annexure P-13), to file objections to the amended draft deed submitted before the executing Court by the petitioner, no such objections were filed even till 02.02.2018, on which date the executing Court had appointed the Naib Nazar of that Court as a Local Commissioner for execution and registration of the sale deed as was decreed in favour of the petitioner herein, with the sale deed also having been executed and registered on 07.02.2018 (copy Annexure P-16).

Thus, Mr. Bahri submits that thereafter, allowing objections qua the registered sale deed, which is the same as the amended draft sale deed, was wholly an erroneous order passed by the executing Court.

When this Court was in the process of issuing notice of motion in this petition, Mr. Kushagra Mahajan, Advocate, appears for respondent No. 1 (stated to be the sole objector) and submits that he has already withdrawn the said objections in relation to which the impugned order was passed on 23.07.2018.

He has also filed the power of attorney issued in his favour by the said respondent, which is taken on record.

That being so, the said respondent is obviously held to his statement.

Consequently, the objections having been withdrawn, the impugned order has been rendered infructuous, with the execution proceedings to now proceed further from the stage they were prior to filing of the “impugned objections” by respondent no. 1.

The petition is thus disposed of as having been rendered infructuous.

July 27, 2018
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.