

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254

CR No.5476 of 2017 (O&M)

Date of decision: 25.04.2018

Mander Singh

..... Petitioner

Versus

M/s Santokh Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

Mr. Abhey Singh, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Only grievance of the petitioner-judgment debtor is that the Executing Court before ordering auction of the property did not calculate the due amount.

Learned counsel for the petitioner has drawn attention of the Court to the following observations made by the learned Executing Court:-

“The Court is of the view that the applications of JD at this stage are not liable and if there will be any miss calculation in the decretal amount then the same can be rectified after the auction money deposited in the Court.”

In the considered opinion of this Court, before putting the property of the judgment-debtor to auction, it is obligatory on the learned Executing Court to arrive at the amount which is due and payable by the judgment-debtor as per the decree passed. From the observations as noted, the learned Executing Court has failed to calculate the amount.

While issuing notice of motion, the petitioner was directed to deposit the amount of Rs.1 lac which is stated to have been deposited.

In view of the aforesaid, learned Executing Court is directed first to determine as to how much amount is due and payable to the decree-holder and thereafter proceed with the execution, if necessary.

Learned Executing Court is directed to expedite the execution petition and finally decide the same preferably within a period of six months from today.

Revision petition is disposed of.

25.04.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No