

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

**CR No. 596 of 2017 (O&M)
Date of Decision: 24.05.2018**

Balwant Singh

...Petitioner

Versus

Malkiat Kaur @ Gurmeet Kaur and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S. S. Gurna, Advocate
for the petitioner.

Mr. A. S. Rai, Advocate
for respondent No. 1.

KULDIP SINGH J. (Oral)

CM-1774-CII-2017

Application is allowed, as prayed for, subject to all just exceptions.

CR-596-2017

The present civil revision petition has been filed for setting aside the order dated 21.12.2013 passed by learned Civil Judge (Jr. Divn.), Ludhiana, vide which, in the execution proceedings, while recording the compromise entered into between the parties and apparently setting aside the auction, the amount deposited by the auction purchaser was ordered to be returned and the decree holder was directed to make the payment of like amount.

I have heard learned counsel for the parties.

It comes out from the impugned order that the suit was decreed by the trial Court and a decree was passed in favour of the petitioner and against respondent No. 1 for recovery of ₹3,03,883/- along with interest on 21.12.2013. Since the amount was not paid, property of respondent No. 1 was attached and put on sale. The auction purchaser deposited the amount of sale. Thereafter, the decree holder/petitioner and judgment debtor/respondent No. 1 entered into compromise. In view of the said compromise, the attached property was ordered to be released. The auction money of ₹ 86,250/- was to be refunded. The auction purchaser has not come forward before this Court to contest this revision petition. Learned counsel for the decree holder and learned counsel for the judgment debtor have informed that auction money was deposited with the treasury and that judgment debtor is not demanding any extra money.

It being so, the impugned order is modified to the extent that the auction money, lying deposited with the treasury, be refunded to the auction purchaser and the execution stands satisfied.

The present civil revision petition is disposed of.

Since the main revision petition is disposed of, civil miscellaneous application, if any, shall also stand disposed of.

24.05.2018

Waseem Ansari

**(KULDIP SINGH)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*