

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

137

CR No.7054 of 2018 (O & M)
Date of Decision:16.10.2018

Chhinder Kaur and others

...Petitioners

Versus

Kirna Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioners.

ANIL KSHETARPAL, J.(Oral)

Judgment-debtors/petitioners are in the revision petition against the order passed by the learned Executing Court on 07.09.2018. A money decree passed against the judgment-debtors which has become final. Judgment-debtors refused to pay the amount although, he was granted numerous opportunities. Hence, sale of the property was ordered.

Judgment-debtors filed objection petition under Order 21 Rule 58 of the Code of Civil Procedure, which was ordered to be dismissed on 25.05.2017. Judgment-debtors, after the auction of the property attached, filed another objection petition under Order 21 Rule 90 of the Code of Civil Procedure, which was dismissed on 02.08.2018. Thereafter, an application was filed for depositing the amount. Learned Court dismissed the application on the ground that such application is not maintainable at this stage. It is apparent from reading of Order 21 Rule 89 Sub-Rule (2) that if a person applies under Rule 90 for setting aside the sale of his immovable property, the application shall not be maintainable, unless he withdraw his

application. In view thereof, the application filed by the petitioners/judgment-debtors was not maintainable as correctly held by the learned Executing Court.

Hence, there is no ground to interfere.

Revision petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

16.10.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No