

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.976 of 2017 (O&M)

Date of Decision: December 19, 2018

M/s Aman Trading Company & another

...Petitioners

Versus

Daya Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Mohit Garg, Advocate,
for the petitioners.

AMIT RAWAL, J. (Oral)

The present revision is directed against the order dated 09.01.2017 (Annexure P-10), whereby the amended objections of the petitioner-decree holders, after having obtained the permission, filed the same against the auction proceedings held on 18.09.2015, has been dismissed.

Mr. Mohit Garg, learned counsel for the petitioners submitted that in a suit filed by the petitioners, a decree dated 12.12.2011 of ₹9,48,857/- was passed. The Court had issued the proclamation under Order 21 Rule 66 CPC after attachment of the property. The petitioners submitted an application under Order 21 Rule 72 CPC for participating in the auction which was granted. In fact, the auction proceedings were never held as the land of the judgment-debtor, which has been put into auction, is 9K-13M, whereas the revenue authorities have given 31 nominal shares, but the court has erroneously dismissed the application as petitioners would not be able to take the benefit of the decree. It has also been argued that the property

which was ordered to be attached is not in consonance with the notice Ex.P1.

I am afraid that the aforementioned arguments are not sustainable as no attachment order has been placed on record to establish the identity of the property.

As regards the grievance of the petitioners with regard to the highest bidder of 9K-13M with regard to 31 nominal shares, there is no force in the aforementioned submission as the report of the auction purchaser dated 18.09.2015 (Annexure P-4) reveals that the petitioners were the highest bidders, which is supported by the presence of the parties vide Annexure P-5, who participated in the auction.

The aforementioned proceedings cannot be disputed in the manner and mode, particularly when the petitioners were aware of the property of the judgment debtor and had sought the permission under the provisions of law.

For the reasons stated above, the order under challenge cannot be said to be suffering from illegality or perversity. No ground for interference is made out. Resultantly, the revision petition is dismissed.

December 19, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No