

CR-151-2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-151-2017 (O&M)
Date of decision : 16.01.2019

Mahipal

... Petitioner

Versus

Santra and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. P.R. Yadav, Advocate
for the petitioner.

Mr. Varun Gupta, Advocate
for the respondent

AMIT RAWAL, J. (ORAL)

The short point involved in the present revision petition is that in pursuance to the money decree, third party rights of an auction purchaser were created, who had deposited a sum of ₹9,25,000/-, but the sale was not confirmed as the judgment debtor, during the interregnum satisfied the decree.

Learned counsel for the petitioner submitted that an application was filed for awarding the interest on the amount deposited on 05.07.2014, which has erroneously been dismissed.

Learned counsel for the respondents-judgment debtor submitted that once the sale has not been confirmed by the Courts below, no right accrued in favour of the petitioner-auction purchaser.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is some force in the submissions of

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Mr. Yadav, for, third party rights were created without fault of the petitioner-auction purchaser, who participated in the auction in pursuance to the promulgation of auction notice seeking recovery of dues for complying with the money decree. Had the judgment debtor complied with the same, this situation would not occur. It is on account of his own fault. In such circumstances, anomalous situation had occurred. The petitioner-auction purchaser is required to be compensated. Accordingly, the amount of ₹9,25,000/- deposited by the petitioner, on 05.07.2014, from the date of the deposit till its realization, shall entail the interest @ 9% per annum and in case the judgment debtor fails to deposit or pay the amount to the auction purchaser/petitioner within a period of two months from the date of the receipt of certified copy of this order, then the interest shall be @ 12% per annum.

With the aforesaid observations, the present revision petition is allowed.

16.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**