

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

CR No.7394 of 2016(O&M)

Date of decision: 24.10.2019

Bhagwant Singh and another

.....Petitioners

vs.

**The Amargarh Block Rural Cooperative House Building Society
Limited, Village Amargarh, Tehsil Malerkotla, District Sangrur
through its Secretary**

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Deepak Goyal, Advocate,
for the petitioners.

Mr. A.K. Garg, Advocate,
for the respondent.

.....

Sanjay Kumar, J. (ORAL)

This civil revision was filed under Article 227 of the Constitution of India by the judgment-debtors in Execution Application No.1539 of 2015, titled 'The Amargarh Block Rural Cooperative House Building Society Ltd., Amargarh Vs. Bhagwant Singh and another' on the file of the learned Additional District Judge, Sangrur.

By order dated 06.09.2016, the executing Court took note of the fact that the judgment-debtors had not filed their objections and directed issuance of warrants of sale.

Aggrieved thereby, the judgment-debtors came before this Court. By order dated 07.11.2016, this Court permitted the proposed sale to go on but directed that the same should not be confirmed till the next date of hearing. The said interim order was continued thereafter on 14.07.2017.

Heard learned counsel for the parties.

It is an admitted fact that pursuant to the warrants of sale issued by the executing Court, no sale materialized be it for whatever reason.

Learned counsel for the petitioners would assert that if they are given an opportunity to file their objections, they would do so and demonstrate before the executing Court that the decree-holder, the respondent herein, already issued a 'No Objection Certificate' in relation to the alleged dues, which led to the arbitration proceedings and the Award under execution.

This Court is of the opinion that as the earlier sale directed by the executing Court did not fructify, it would be appropriate to allow the petitioners an opportunity to file their objections before the executing Court.

The civil revision is accordingly allowed to that extent, permitting the petitioners to file their objections in Execution Application No.1539 of 2015 within two weeks from the date of receipt of a copy of this order.

The executing Court shall take into consideration the said objections and dispose of the Execution Application on its own merits expeditiously and preferably within three months from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the matter.

No order as to costs.

24.10.2019

rakesh

whether speaking/non speaking

whether reportable/non reportable

(SANJAY KUMAR)
JUDGE

yes/no

yes/no