

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 5063 of 2019 (O&M)

Date of decision : 26.8.2019

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Parminder Singh

.....Petitioner

vs.

Tehal Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. S.K. Singla, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

This revision petition is directed against the order dated 25.7.2019, vide which the attached properties of judgment debtor have been ordered to be put to auction.

The judgment debtor who is revisionist before this Court has contended in the petition that suit filed by plaintiff Tehal Singh against defendant-revisionist Parminder Singh, for recovery on the basis of pronote and receipt, was decreed vide judgment and decree dated 17.5.2018. The revisionist – defendant has preferred an appeal against the judgment and decree passed by the trial Court. The plaintiff has moved an execution application, where land of the

revisionist -defendant- judgment debtor measuring 30 bighas, has been got attached, the market rate of which is Rs.15 lacs per bigha, whereas claim of the decree holder is only Rs.12,35,780/- and the entire attached land has been ordered to be put to auction. The revisionist has filed reply to the application under Order 21 Rule 66 CPC, and report of Halqa Patwari and Tehsildar is also there on the record. Counsel for the revisionist has made submissions on those very lines.

Keeping in view the fact that the Ist Appellate Court has not stayed the operation of judgment and decree passed by the trial Court, the plaintiff could very well have filed an execution application for reaping fruits of the decree passed in his favour. A perusal of the impugned order goes to show that revisionist-defendant – judgment debtor had not filed any objection before the Executing Court taking pleas, now sought to be raised in the revision petition. The Executing Court has rather observed that judgment debtor was adopting dilatory tactics and wanted to stall the execution process, for that reason, the attached property has been ordered to be put to sale, fixing various dates of each stages.

The revisionist has got an opportunity of paying the decretal amount alongwith interest and costs, to the officer conducting the sale or for that matter deposit that amount in the Executing Court and then the sale may be stopped, in terms of Order 21 Rule 69 CPC.

Under Order 21 Rule 83, the revisionist has got remedy of approaching the Executing Court and then satisfying it that the

amount of the decree may be raised by the mortgage or lease or private sale of such property, or some part thereof, and it if the Executing court is satisfied then the same can be postponed. The revisionist has got remedy under Order 21 Rule 89 CPC also, even after auction of the attached property. Therefore, no ground is there to accept the revision petition and setting aside the impugned order.

The revision petition being without any merit, stands dismissed.

26.8.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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