

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

128

**CR No.533 of 2021**  
**DATE OF DECISION : 5<sup>TH</sup> MARCH, 2021**

**Avtar Singh**

**.... Petitioner**

**Versus**

**M/s. K.P. Automobiles and another**

**.... Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

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**In virtual Court**

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Present : Mr. Pratap Singh Gill, Advocate for the petitioner.

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**RAJBIR SEHRAWAT, J. (Oral)**

The present petition has been filed by the petitioner under Article 227 of the Constitution of India read with Section 151 of CPC against order dated 21.01.2021 (Annexure P-3) passed by the learned Additional Civil Judge (Senior Division), Pehowa whereby the warrant of sale have been issued and auction of the tractor of the petitioner has been fixed for 08.03.2021, along with certain other prayers.

It is submitted by the counsel for the petitioner that although the petitioner was not even denying the liability to make the payment of the amount as per the decree, but due to the COVID-19 pandemic situation the petitioner was hard pressed qua his finance. However, the petitioner would make the payment of the entire decretal amount by 15<sup>th</sup> July, 2021, in installments and as per a fixed schedule.

Hence, it is submitted that the petitioner being a marginal farmer be protected against the sale of his agricultural equipment, which is the tractor in question.

In view of the above submission of the counsel for the petitioner this court finds it appropriate to dispose of the present petition without the necessity of issuance of notice to the other side.

Hence it is ordered that the petitioner would make the payment of ₹50,000/- within a period of one week from today. Thereafter, the petitioner would make the payment of ₹2,00,000/- by 30<sup>th</sup> April, 2021 and the balance of the remaining decretal amount shall be paid, latest, by 15<sup>th</sup> July, 2021. The petitioner may deposit the amount with the executing court as per the above undertaken schedule and the court may disburse the said amount to respondent No.1.

In the meantime, the sale of the tractor in question shall remain stayed till 15<sup>th</sup> July, 2021.

It is further ordered that if the petitioner does not clear the entire decretal amount by 15<sup>th</sup> July, 2021 then beside the decretal amount, the petitioner shall also pay an amount of ₹50,000/- as costs to respondent No.1. The respondent No.1 shall be entitled to recover the amount of costs as well through the execution proceedings. Still further; in case of non-payment of the entire amount by 15<sup>th</sup> July, 2021 the executing court would be free to sell the tractor in question or any other properties; as per the law; to get the execution satisfied.

The petition stands disposed of with above said direction.

5<sup>th</sup> MARCH, 2021  
'raj'

(RAJBIR SEHRAWAT)  
JUDGE

*Whether speaking/reasoned:*

*Yes*

*No*

*Whether Reportable:*

*Yes*

*No*