

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

CR-879-2021(O&M)

Date of decision:08.04.2021

Naib Singh and another

.....Petitioners

Versus

Major Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.A.K.Khunger, Advocate for the petitioners

ANIL KSHETARPAL, J. (ORAL)

This revision petition under Article 227 of the Constitution of India has been filed against an interlocutory order passed by the Executing Court while issuing a schedule for auction of the property of the judgment debtor.

Learned counsel for the judgment debtor contends that the Executing Court is required to sell only that portion of the property the price whereof is commensurate to the decreed amount.

There is no doubt about the correctness of the aforesaid submission, however, from the reading of the order, it is apparent that the attention of the Executing Court was never drawn to this aspect.

Keeping in view the aforesaid facts, this revision petition is disposed of with liberty to the petitioners to file an appropriate application before the Executing Court in this regard and it is expected that the Executing Court before proceeding with the auction would adjudicate upon the same.

Disposed of.

08.04.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

**(ANIL KSHETARPAL)
JUDGE**