

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

257

**CR No. 682 of 2021
Date of Decision : 21.12.2022**

*Tejinder Pal Singh**..... Petitioner**versus**Krishna Devi and others**..... Respondents***CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Priyanshu Kamra, Advocate, for the petitioner
Mr. Deepak Aggarwal, for the respondents

TRIBHUVAN DAHIYA J. (ORAL):

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 24.9.2019 (Annexure P-7) passed by the Executing Court.

2. The facts of the case in brief are, a suit for mandatory and permanent injunction was partly decreed vide order dated 5.2.2013 (Annexure P-1). A preliminary decree of separate possession of the plaintiffs to the extent of 1/4th share each by way of partition of the suit property was passed in favour of the plaintiffs; and defendants were restrained from alienating any specific portion of the suit property more than their share until and unless the suit property was partitioned by metes and bounds. Subsequently, Local Commissioner was appointed who submitted his report dated 27.5.2016 (Annexure P-3) to the effect that the suit property was a three storied building which could not be partitioned in four portions by metes and bounds as per the preliminary decree passed. It was, therefore, recommended that the property be sold to one of the owners by inter-se bidding amongst the co-owners by fixing a reserve price of the property as per the valuation determined by an approved

Valuer. In terms thereof, the Executing Court proceeded with the matter and

invited inter-se bids from the co-sharers so that the property could be sold and proceeds apportioned amongst the co-sharers. The petitioner/defendant no.1 raised a bid of Rs.1.85 crore that was acceptable to the parties. He was accordingly directed by the Executing Court to deposit Rs.20 lakhs on or before 16.10.2019, failing which the property was to be sold to defendant no.2 (respondent no.3 herein) by the impugned order dated 24.9.2019.

3. Learned counsel for respondent no.3 contends that the bidding process was resorted to by the Executing Court with the consent of all the parties concerned and the bid raised by the petitioner/defendant no.1 was acceptable to all of them. It was only thereupon that the impugned order was passed accepting the bid directing the petitioner/defendant no. 1 to deposit the initial amount.

4. It is a case where the property was found to be indivisible as per report of the Local Commissioner, and his recommendation to auction the property inter-se the co-sharers was accepted. Accordingly, the Executing Court proceeded to auction the property, accepted the bid made by the petitioner/defendant no.1 and passed the impugned order directing him to deposit the initial amount. There is nothing illegal or irregular about it, nor can the petitioner himself be allowed to challenge the order after acceptance of his bid.

5. In view thereof, there is no ground to interfere with the impugned order passed by the Executing Court.

6. The petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

21.12.2022

Ashwani

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