

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-378-2022 (O&M)
DECIDED ON: 12.05.2022

JARNAIL SINGH WAHID AND OTHERSAPPELLANTS

VERSUS

STATE OF PUNJAB AND OTHERSRESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikas Singh, Advocate
for the appellants.

Ms. Monika Jalota, DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order dated 02.05.2022 passed by the learned Single Judge dismissing CM-6541-CWP-2022 in the writ petition which has been preferred by the appellants.

It is the contention of the counsel for the appellants that initially when the notice was issued by the learned Single Judge in the writ petition, the Court had ordered that the auction may go on but the same will not be confirmed. Initially, the auction, which was slated for the date then fixed, could not be given effect to for the reason that no one came forward to participate in the auction. Subsequently, another auction was sought to be carried out of the properties because of which the appellants thereafter filed an application for stay, which has been dismissed by the learned Single Judge by observing that there is already an order passed by this Court, which is referred to above at the time of issuance of notice. This the counsel states

is not acceptable in the light of the fact that the present one is a fresh auction notice, which has been issued by the respondents for the auction of the personal property of the appellants. He, therefore, contends that the order dated 02.05.2022 passed by learned Single Judge in the application, which has been preferred by the appellants is not sustainable and deserves to be set aside and the prayer of the appellants for staying the said auction should have been accepted by the learned Single Judge.

We have considered the submissions made by the learned counsel for the appellants and with his assistance have gone through the impugned order as also the pleadings but do not find ourselves in the position to accept what has been contended by the counsel. There is already an order, which would protect the rights of the appellants as even if an auction is carried out, the same cannot be confirmed without the orders of the Court. The interest of the appellants having been duly protected, we are not inclined to accept the prayer made by the appellants in the application, which has been rejected by the learned Single Judge and, therefore, dismiss the present appeal.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

12.05.2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>