

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 5804 of 2019

Date of Decision: 15.11.2022

State Bank of India

... Petitioner(s)

Versus

Bhola alias Lakhpatri (Since Deceased) through his Legal Representatives

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. S.S.Pathania, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The impugned order reads as under:-

“Warrant of sale issued received back unexecuted for want of bidder. Perusal of the file reveals that the decree holder availed sufficient effective opportunity for execution of warrant of sale, but despite that, warrant of sale could not be executed by the DH on one pretext or the other. Neither the cost of Rs.500/- burdened upon decree-holder paid. DH has although opted to participate in the auction proceedings, however failed to appear and warrant of sale received back unexecuted for want of bidder. The warrant of sale is not being executed since long for want of bidder and DH has failed to participate in the same, no other mode of recovery is available with the court and no useful purpose would be served for adjourning the case for

the same purpose. Accordingly, in view of the above discussion, present case is dismissed being unexecutable, with liberty to DH to file fresh execution petition if any bidder is available with bank subject to period of limitation.

File be consigned to the record room after due compliance.”

2. The State Bank of India is a decree holder. The decree for recovery of the amount was passed on 18.02.2006. The defendant did not file any appeal. In order to execute the decree, the execution petition was filed on 26.04.2010. For a continuous period of nine years, the Executing Court made repeated attempts to sell the property in order to recover the amount and satisfy the decree. The Executing Court even granted permission to the decree holder to participate in the auction and purchase the property. However, the decree holder did not come forward to purchase the property. Left with no other choice, the Executing Court disposed of the execution petition by granting the liberty to file a fresh execution petition, in case any bidder is available

3. In such circumstances, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

November 15, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No