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

Date of Decision: 29.11.2022

1. CR No.3903 of 2022(O&M)

Shriram Transport Finance Co. Ltd.

-Petitioner

Versus

Ranbir and another

-Respondents

2. CR No.4001 of 2022(O&M)

Shriram Transport Finance Co. Ltd.

-Petitioner

Versus

Yogender Singh and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gaurav Sharma, Advocate,
for the petitioner in both the cases.

RAJ MOHAN SINGH, J. (Oral)

Vide this common order, CR No.3903 of 2022 titled
Shriram Transport Finance Co. Ltd. Vs. Ranbir and another and
CR No.4001 of 2022 titled Shriram Transport Finance Co. Ltd.
Vs. Yogender Singh and another are being decided.

Perusal of the impugned order would show that no
notice was ever issued to the respondent No.1 before putting

the surrendered vehicle to auction. The Executing Court has observed that in view of inaction on behalf of the decree holder, the vehicle shall be presumed to have been sold for satisfaction of the entire loan.

On 15.09.2022, following order was passed:-

“Learned counsel for the petitioner seeks time to place on record the necessary documents to indicate that before effecting auction of the vehicle in question, due notice was given to the loanee/respondent No.1.

Adjourned to 28.09.2022.”

Learned counsel for the petitioner with reference to the general notice issued to the loanee calling upon him to make good the dues within a specified period submits that due intimation was given to the judgment debtor for the due amount.

Perusal of the notice dated 02.08.2017 attached in CR No.4001 of 2022 would indicate that the same is not a notice for participating in any auction proceedings.

On a pointed query, learned counsel for the petitioner submits that the petitioner has no such document, showing any actual auction date notice was ever issued to the judgment debtor at any point of time.

In view of inaction on behalf of the petitioner, the petitioner cannot be presumed to march over its own fault,

thereby putting the surrendered vehicle in question to auction in the absence of judgment debtor. The plea of auctioning the vehicle for an inadequate amount, shall always be available to the judgment debtor.

For the reasons mentioned in the impugned order, no interference is called for.

Both the petitions stand dismissed.

29.11.2022

Prince

(RAJ MOHAN SINGH)
JUDGE

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|------------------------------|---|--------|
| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |