

CR-5246-2022

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

CR-5246-2022

Date of Decision: November 16, 2022

Lt. Col (Retd.) Rajinder Singh

...Petitioner

Versus

Ranjeet Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Khush Deep S. Mann, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Suit for specific performance filed by the plaintiff-Ranjeet Singh (respondent herein) was dismissed by the trial Court, vide judgment dated 07.08.2019. However, relief for recovery of the amount of ₹4,50,01,000/- was granted with the direction to the defendants to return the said amount within two months. Against the said judgment and decree, appeal filed by the defendants is pending before the learned District Judge, Fazilka. It is informed by learned counsel that cross appeal filed by the plaintiff is also pending for grant of interest on the amount of ₹4,50,01,000/-.

2. It is conceded by learned counsel that no stay order has been granted by the first appellate Court.

3. For realization of the decretal amount, plaintiff-decree holder filed execution, wherein land measuring 198 kanals 6 marlas of the petitioner (J.D.-defendant) has been attached as per para No.2 of the impugned order dated 30.08.2022. The objections filed by the petitioner-J.D. have been dismissed by way of impugned order and sale warrants have been issued.

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4. It is contended that till the pendency of the appeal before the first appellate Court, the attached land of the petitioner-J.D. should not be put to auction. It is further contended that the entire land of J.D. has been directed to be put for auction sale, instead of a portion of land, which may be sufficient to satisfy the decree.

5. Heard.

6. It is directed that only that portion of the attached land of the JD - petitioner be put to auction sale, which would be sufficient to satisfy the decree.

7. Since the appeal against the judgment of the trial Court is still pending, so it is directed that the amount realized after the auction sale, be not released to the respondent-D.H. till disposal of the appeal before the first appellate Court.

8. With this modification in the impugned order dated 30.08.2022, the present revision stands disposed of.

November 16, 2022
sarita

(DEEPAK GUPTA)
JUDGE

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