

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110) CM-5958-CII-2023 in/and
CR-8369-2018
Date of Decision : 18.04.2023

Mustak

...Petitioner

Versus

Haryana Financial Corporation and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. M.D. Khan, Advocate for the petitioner.

None for the respondents.

Harsimran Singh Sethi J. (Oral)

CM-5958-CII-2023

Present application has been filed for recalling the order dated 17.03.2023, by which, the present petition was dismissed for non-prosecution.

Keeping in view the averments made in the application, which is duly supported by an affidavit, the same is allowed. The order dated 17.03.2023 is recalled and the revision petition is restored to its original number and status.

CR-8369-2018

Learned counsel for the petitioner submits that keeping in view the receipts of deposit, copy of which has been appended as Annexure P-4, the payment of auction money had already been deposited within the time

period provided hence, the findings, which have been recorded by the trial court in the impugned order dated 23.10.2018 (Annexure P-6), are factually incorrect.

On being asked, as to whether the receipts, copy of which has been appended as Annexure P-4, were produced before the trial court before passing of the impugned order, learned counsel for the petitioner submits that he be allowed to withdraw this petition with liberty to file a review petition before the Executing Court so as to show the trial court that the auction money was deposited within the time frame and the findings recorded in the impugned order are factually incorrect.

Ordered accordingly.

At this stage, learned counsel for the petitioner submits that the process of re-auction of the property in question in pursuance to the impugned order is already being undertaken hence, petitioner be protected. In case, any review petition is filed within a period of two weeks from today, the re-auction of the property in question in pursuance to the impugned order shall remain stayed till the decision of the said review petition.

April 18, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No