

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

EFA-2-2022 (O&M)

Date of Order: 27.07.2023

Tatvadarshi Bandhu Pvt. Ltd.

.Appellant

Versus

Omaxe Limited

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Vir Yadav, Sr. Advocate, with
Mr. Aman Gautam, Advocate
for the appellant.

ANIL KSHETARPAL, J

1. On 02.06.2022, the following order was passed:-

“CM-2114-CI-2022

Allowed as prayed for.

The zimni orders are taken on record.

CM-2115-CI-2022

This execution first appeal was filed against the order dated 14.12.2021, whereby the property of Judgment Debtor measuring 111 acres of land was attached. On 31.03.2022, 07.04.2022 and 29.04.2022, the case was adjourned on the request of the learned counsel representing the appellant. The matter is posted for 29.07.2022.

An application has been filed by the appellant for stay of further proceedings.

The first appeal has never been taken up for

preliminary hearing. It is listed for 29.07.2022.

The learned counsel representing the appellant contends that the Executing Court has ordered auction of the entire land measuring 111 acres against a decree of approximately Rs.4 Crores plus interest which will nearly Rs.10 Crores. He submits that for recovery of Rs.10 Crores, there is no requirement to sell the entire land.

A bare look at the orders passed by the Executing Court, it is evident that the appellant never drew the attention of the Executing Court on this aspect of the matter. It has been stated that the auction for sale of the property is slated for 07.06.2022.

Keeping in view the aforesaid facts, let the appellant, at the first instance, file an application before the Executing Court in this regard, which shall be disposed of by the Executing Court within a period of two days, while taking a pragmatic view of the matter.

This application shall be heard with the main case.”

2. The learned senior counsel representing the appellant admits that an application to that effect was filed before the Executing Court which was dismissed on 19.07.2022. He admits that a separate civil revision i.e. CR No.541 of 2023 is pending against the order passed on 19.07.2022.

3. In this revision petition, the petitioner assails the correctness of

the order passed by the Executing Court while directing attachment of the property.

4. Since, it is undisputed that the subsequent order is subject matter of challenge in a separate revision petition, there is no occasion to keep this revision petition pending.

5. The revision petition is disposed of accordingly with liberty to the petitioner to take all the objections in the subsequent filed revision petition.

6. All the pending miscellaneous applications, if any, are also disposed of.

July 27, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO