

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

Date of decision: 17.03.2023

114

CWP-5458-2023

SHIWALIK ESTATES

.....Petitioner

VERSUS

PERMANENT LOK ADALAT AND OTHERS

.....Respondents

118

CWP-5487-2023

SHIWALIK GREENS MAINTENANCE PVT LTD

.....Petitioners

VERSUS

PERMANENT LOK ADALAT AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Kanwaljit Singh, Senior Advocate assisted by
Mr. Anirudh Gupta, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

This order shall dispose of two writ petitions bearing
CWP-5458-2023 titled “*SHIWALIK ESTATES VERSUS PERMANENT
LOK ADALAT AND OTHERS*” and **CWP-5487-2023** titled
“*SHIWALIK GREENS MAINTENANCE PVT LTD VERSUS
PERMANENT LOK ADALAT AND OTHERS*” by a common judgment.

The petitioners herein are seeking quashing of the order
dated 01.12.2022 (Annexure P-5) and order dated 30.01.2023 passed
by the Permanent Lok Adalat (Public Utility Services) as well as the

warrant of attachment dated 01.12.2022 (Annexure P-6) and proclamation of sale deed dated 30.01.2023 (Annexure P-12 respectively).

Learned Senior Counsel appearing on behalf of the petitioner contends that the Permanent Lok Adalat (Public Utility Services), S.A.S. Nagar, Mohali had passed its award (Annexure P-3) against a separate juristic entity namely Shiwalik Site Planners Private Limited. The petitioner(s) herein are the sole proprietorship and a separate juristic entity i.e. Shiwalik Greens Maintenance Private Limited respectively.

Learned Senior Counsel contends that the land of the petitioners has been ordered to be attached and put for sale by the Permanent Lok Adalat (Public Utility Services), S.A.S. Nagar, Mohali notwithstanding that the sole proprietorship/the private limited company herein are not judgment debtors and have no liability towards the respondent-claimants in the award.

It is however not disputed by the learned Senior Counsel that the petitioners would have an efficacious alternative remedy of filing objections under Section 47 of the Code of Civil Procedure read with Order 21 Rule 58 before the Executing Court against the proceedings initiated and to contest their merits. The present writ petitions are accordingly disposed of as not pressed at this stage with liberty to the petitioner to approach the executing Court by moving an appropriate applications/objections.

In the event of the petitioners preferring such objections within a period of one week from today, the sale, if any, pursuant to the

auction notices issued be not confirmed till the objections are decided by the executing Court.

Petitions are accordingly disposed of as not pressed with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 17, 2023

Vishal sharma

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