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116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3072-2023 (O&M)
Date of Decision: 17.05.2023

Gopal Krishan Gupta

..... Petitioner

Versus

Ajay Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Gopal Krishan Gupta, Advocate,
petitioner-in-person.

RAJBIR SEHRAWAT, J. (ORAL)

CM-9231-CII-2023

Allowed, as prayed for.

Main Case.

This is a petition filed under Article 227 of the Constitution of India praying for setting aside the impugned order dated 05.05.2023 passed by the Civil Judge (Junior Division), Ambala, alongwith certain other prayers.

A perusal of the impugned order dated 05.05.2023 passed by the Court below shows that the petitioner has rightly been paid the commission as Court Auctioneer, as per the provision contained in the amended Punjab and Haryana High Court Rules and Orders, Volume-1, Chapter 12-L Rule 22. The only grievance raised by the petitioner is that there should not be a maximum cap of Rs.5,000/-. However, this argument cannot be countenanced at this stage. Since the aforesaid rules and orders,

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as amended vide the amendment dated 17.09.1976, provides for maximum limit of Rs.5,000/- as commission, therefore, unless the provision contained in the Punjab and Haryana High Court Rules and Orders is set aside in the appropriate proceedings, the trial Court is bound to follow the said rules and orders.

In view of the above, finding no merit in the present petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

17.05.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No