

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

305

CWP-13001-2022

Date of decision: 16.01.2023

SHIVDARSHAN SHARMA AND ANR

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Vineet Sehgal, Advocate
for the petitioners.

Ms. Niharika Sharma, AAG, Punjab
for respondents No.1 and 2.

None for respondent No.4.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Article 226/227 of the Constitution of India seeking issuance of directions to the respondent No.2-Punjab State Consumer Disputes Redressal Commission to decide the pending third party objections bearing MA No. 1209 of 2021 dated 28.10.2021 (Annexure P-16) in Execution Application No. 98 of 2021 titled as "*Tej Kaur Vassan versus Preet Land Promoters*", then pending for 09.06.2022 to be decided expeditiously and in a time bound manner.

Briefly summarized the facts of the case are that the respondent No. 4 had filed a Consumer Complaint against respondent No.3 bearing CC/208 of 2020 before respondent No.2-the Punjab State Consumer Disputes Redressal Commission (hereinafter referred as "the State Commission"). The said consumer complaint was allowed vide

order dated 16.02.2021 in favour of respondent No.4-Ms. Tej Kaur Vassan. Thereafter, an execution petition bearing No. 98 of 2021 was filed by respondent No.4 before the State Commission. An order of attachment was thereafter passed on 28.05.2021 against respondent No.3-Judgement Debtor so as to satisfy the award dated 16.02.2021 by selling the assets of the company.

The petitioners herein claim to have jointly purchased the property bearing House No. 1568 Sector 34-D, Chandigarh from Kamaljit Singh on 30.09.2020. The vendor of the petitioners was a Director of respondent No.3-Company. It is contended that the house in question was however a personal property of the said Director and was not the property related to the respondent No.3-Company. The above said house has also been attached in compliance to the order passed by the State Commission. The petitioners thus submitted third party objections against the said order of attachment before the State Commission in the pending Execution Application No. 98 of 2021 on 28.10.2021. The said objections have not been decided yet. The petitioners confines his prayer that the third party objections bearing MA No. 1209 of 2021 may be directed to be decided expeditiously and in time bound manner.

Counsel appearing on behalf of respondents No.1 & 2 has no objection to the above prayer being granted.

Respondent No.3 was already given up by the petitioner since he was the judgment debtor and has no pending interest in the property.

Written statement on behalf of respondent No.4 has not

been filed even though the said respondent had been represented and had entered appearance.

In view of the order that this Court intends to pass, filing of the written statement on behalf of the respondent No.4 would also not be necessary.

Taking into consideration, the limited prayer made by the petitioner and the fact that that the decree holder as well as the objector are already represented before the State Commission, the present petition is disposed of requesting the respondent No.2- Punjab State Consumer Disputes Redressal Commission, Chandigarh to decide the pending MA. No. 1209 of 2021 dated 28.10.2021 in Execution Application No. 98 of 2021 titled as “*Tej Kaur Vassan versus Preet Land Promoters*”, stated to be fixed before the State Commission, Chandigarh on 06.02.2023 within a period of 04 months of the date next fixed before the Commission (if not argued and decided on the date already fixed) after granting an opportunity of hearing to the respective parties.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 16, 2023
Vishal sharma

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