

2023:PHHC:044813

**118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CM-2943-CII-2023

CM-2945-CII-2023

in/and

CR-3942-2019 (O&M)

Date of decision: 27.03.2023

Naresh Kumar

....Petitioner

Versus

Satvinder

..Respondent

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Santosh Kumar Tripathi, Advocate for the
applicant/petitioner

Mr. Atul Yadav, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

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1. After hearing learned counsel representing the applicant and going through the contents of the application, delay of 237 days in filing the application for restoration of the revision petition is condoned.

2. CM stands allowed.

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3. After hearing learned counsel representing the applicant and going through the contents of the application for restoration of the revision petition, the same is allowed. The revision petition is restored to its original number and with the consent of the learned counsel representing the parties, the same is taken on Board for the final disposal.

Main case

4. Through this revision petition, the petitioner prays for setting aside the orders passed on 22.05.2019 and 29.05.2019 by the

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Executing Court. On 22.05.2019, the schedule for auction of the petitioner's property was issued. On 22.05.2019, upon realizing the mistake, the court ordered warrants of attachment qua the property of the judgment debtor. On 25.06.2019, the notice of motion was issued directing the petitioner to deposit a sum of Rs.5,00,000/- against the decretal amount of Rs.9,00,000/-. Thereafter, the learned counsel representing the petitioner stated that he has no knowledge about the direction of deposit of Rs.5,00,000/- as per the order of the Court.

5. Thereafter, the revision petition was dismissed for non-prosecution. Previously, an application for restoration of the revision petition was filed which was dismissed on 10.05.2022 as the learned counsel representing the petitioner pleaded no instructions from the petitioner.

6. A fresh application for condonation of delay as well as restoration of the revision petition have been filed in response thereto and the same are allowed.

7. Learned counsel representing the decree holder enters appearance and submits that the Executing Court is trying to recover the amount, in accordance with law.

8. It is undisputed that the petitioner has already paid Rs.6,00,000/-.

9. Keeping in view the aforesaid facts, the Executing Court is requested to proceed with the matter, in accordance with law.

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10.

Disposed of.
11.

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

27.03.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE