

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(115)

Civil Revision-6788-2023

Date of decision: - 14.11.2023

Kotak Mahindra Bank Ltd.

....Petitioner

Versus

Devender Bhati and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Nipun Vashist, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 30.11.2022 (Annexure P-9) passed by the Additional District & Sessions Judge, Faridabad in Case No.EXE-35-2016 titled as 'Kotak Mahindra Bank Ltd. Vs. Devender Bhati etc.'. Further an alternate prayer has been made for directing the Executing Court to decide the application (Annexure P-8) expeditiously.

2. Learned counsel for the petitioner has submitted that the petitioner would limit its prayer in the present revision petition for an expeditious decision on the application (Annexure P-8). It is further submitted that the said application for issuance of Form 'C' in the name of Kotak Mahindra Bank Ltd. in the execution proceeding was filed on 31.10.2022 with the averment that auction of the property had taken place

and the buyer had depoited an amount of Rs.10,20,000/- before the Treasury Office, Faridabad vide challan dated 17.01.2022 and the petitioner/applicant therein was entitled to receive the said amount in respect of the auctioned property in terms of the execution of Arbitration Award and thus, a prayer has been made that the file be summoned and the Form 'C' be issued in favour of the petitioner/applicant/decreed holder. It is stated that the said application, which is pending, is now listed for hearing on 30.11.2023 and has thus prayed that the Executing Court be directed to decide the same as expeditiously as possible.

3. Keeping in view the fact that a limited prayer has been made by the learned counsel for the petitioner, the present petition is disposed of with a direction to the Additional Sessions Judge, Faridabad, who is the executing Court, to decide the application (Annexure P-8) filed by the petitioner as expeditiously as possible.

4. It is made clear that this Court has not opined on the merits of the case and the concerned Court would consider and decide the matter independently, in accordance with law, after hearing all the concerned parties.

November 14, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No