



CR-298-2024

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

CR-298-2024

Date of decision : 18.07.2024

Anu and another

... Petitioners

Versus

Dr. Bharat Singh and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.R.N.Lohan, Advocate and
Ms.Neha Rana, Advocate
for the petitioners.

Mr.G.S.Goria, Advocate and
Mr.Vikram Singh, Advocate
for respondent no.1.

VIKAS BAHL, J.(ORAL)

1. This is the civil revision petition under Article 227 of the Constitution of India for quashing the order dated 14.12.2023 (Annexure P-1), 21.12.2023 (Annexure P-2) and 10.01.2024 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Narwana vide which the property of the petitioners have been attached and ordered to be sold and dismissed the objection filed by the petitioners.

2. Learned counsel appearing for respondent no.1 has raised a preliminary objection and has submitted that the objections filed by the petitioners in effect are under Order 21 Rule 58(4) CPC, as the same pertains to objections against the attachment of property of the petitioners



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and the sale proceedings, and against the same, only an appeal would lie as per the law laid down by the Division Bench of this Court in *Avinash Chander vs. Mohan Lal and others* reported as *1984(2) RCR (Rent) 68* and the present revision petition is not maintainable.

3. Learned counsel for the petitioners has submitted that in view of the said objection, the petitioners be permitted to withdraw the present revision petition with liberty to file an appeal before the Appellate Court and it is prayed that since the petitioners were pursuing the present remedy, a period of one month be granted for filing the said appeal and in case the petitioners file the appeal within the said period, the same be decided on merits and the respondents be restrained from raising an objection regarding the maintainability of said appeal.

4. Learned counsel for respondent no.1 has submitted that he has no objection to the said course of action.

5. Keeping in view the above, the petitioners are permitted to withdraw the present revision petition with liberty to file an appeal before the Appellate court within a period of one month from today and in case of said appeal is filed within the aforesaid period, then the Appellate Court is directed to decide the same without dismissing the same on the ground of maintainability and even the respondent no.1 is estopped from raising the plea that the appeal is not maintainable.

(VIKAS BAHL)
JUDGE

July 18, 2024
Davinder Kumar