



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

CR-6348-2018 (O&M)

Date of Decision: 29.07.2024

Manoj Singh

.... Petitioner

Vs

M/s Magma ITL Finance Limited

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vikas Saroha, Advocate for the petitioner.

Mr. Karan Gaba, Advocate for
Mr. Sandeep Suri, Advocate for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Article 226 of the Constitution of India for setting aside order dated 16.08.2018, Annexure P-3, passed by the Additional District Judge, Narnaul, whereby application filed by the petitioner for setting aside ex-parte proceedings in execution bearing No. 337 of 2015 has been dismissed.

2. While issuing notice to the respondent, this Court passed the following order on 26.09.2018:-

“Learned counsel for the petitioner contends that the petitioner was proceeded against exparte on 05.12.2015 by recording report of refusal to accept notice. Thereafter, an application was filed for setting aside exparte proceedings. At one point of time on 12.07.2018, none appeared on behalf of judgment debtor No.1 in the application so filed by him but on 30.07.2018 and 04.08.2018, presence of the applicant-petitioner was noticed,



however, no reply was filed by the decree holder. The application has been dismissed vide the impugned order.

Learned counsel further contends that the property in question has not been put to auction as yet.

Notice of motion for 14.12.2018.

Till the next date of hearing, Executing Court shall defer the proceedings beyond the date fixed by this Court.”

3. Counsel representing the respondent submits that he does not have any objection in case the impugned order is set aside.
4. In view of the above, impugned order, Annexure P-3, is set aside. Matter is remanded to the Executing Court to re-decide the application filed by the petitioner for setting aside the ex-parte proceedings.
5. Petition is disposed of.
6. It is clarified that petitioner’s property shall not be put to auction till the disposal of the application.

29.07.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No