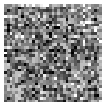


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

2024.PHHC:068886 

1. CR-1688-2023 (O&M)
Date of decision: 17.05.2024

PREM TRADING CO. AND ANR ..Petitioners

Versus

NUCHEM LTD. MDF DIVISION ..Respondent

2. CR-1689-2023 (O&M)
Date of decision: 17.05.2024

ANITA DEVI (DECEASED) THROUGH LRS. ..Petitioner

Versus

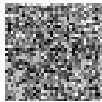
NUCHEM LTD. MDF DIVISION & ORS. ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. With the consent of the learned counsel representing the parties, two connected revision petitions shall stand disposed of by this common order.
2. In execution petition, under the orders of the Court, auction of the property belonging to the judgment debtor was sold. The petitioners are auction purchasers. They were issued sale certificate. Subsequently, they filed an application for possession of the auction property. At that stage, the Executing Court passed a strange order. It set aside the Court sale and directed conduct of fresh auction on the ground that total attached property is 276 kanal and Court auction could not take place with respect to specified area depicted by specific khasra numbers. The correctness of such order has been challenged in this revision petition.



3. The learned counsel representing the petitioner submits that the Executing Court has not found any material error in the Court auction. He submits that sale of specific portion of the property out of a bigger parcel of land is permissible.

4. This Court has considered the submissions of the learned counsel representing the petitioner.

5. In the considered opinion of this Court, the Executing Court has passed the impugned order without any reasonable basis. The Court auction has to be given some sanctity particularly when the sale certificate has already been issued in favour of the auction purchaser. In absence of any application either from the judgment debtor or from anybody else, the Court auction should not have been set aside unless the Court finds that there is any fraud in the conduct of the auction.

6. Keeping in view the aforesaid facts, both the revision petitions are allowed. The impugned orders in both the revision petitions are set aside.

7. The Executing Court is requested to pass a fresh order on the application filed by the petitioner for delivery of possession.

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

May 17th, 2024

Ay

(ANIL KSHETARPAL)
JUDGE

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