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

CR-1561-2024

Date of decision:-07.08.2024

Raj Karan

...Petitioner

Versus

The Gurdaspur Central Cooperative Bank and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** : Mr.Karan Choudhary, Advocate
for the petitioner.Mr.Ashwani Prashar, Advocate
for respondent No.1 (THROUGH V.C.).

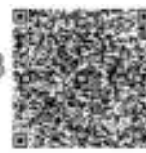
Ms.Amrita Garg, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

1. By way of present revision petition filed under Article 227 of the Constitution of India, petitioner has approached this Court for quashing of impugned order dated 31.01.2024, Annexure P15, passed by the Executing Court whereby sale warrants have been issued pursuant to orders dated 31.05.2016 and 20.09.2021 passed by the authorities and objections, Annexure P7, preferred by the petitioner have been dismissed.

2. After hearing counsel for the petitioner on 15.07.2024, this Court passed the following order:

“CM-11715-CII-2024*For the reasons given therein, application is allowed.*



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Registrar Cooperative Societies, Punjab is ordered to be impleaded as respondent No.2.

Amended Memo of Parties is taken on record.

Main case

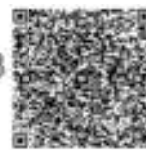
Counsel for the petitioner submits that the petitioner had filed an appeal, Annexure P-6, in April, 2022, whereby he had impugned orders dated 31.05.2016 and 20.09.2021 passed by the authorities. He asserts that along with the appeal, he had filed an application for stay, but the proceedings are being repeatedly deferred and petitioner's property has been put to auction on 12.08.2024.

Copy of the petition as well as the miscellaneous application be supplied to the State counsel during the course of the day.

On asking of the Court, Ms. Amrita Garg, AAG, Punjab appears on behalf of the respondents. She requests for deferment to get instructions and apprise the Court as to why the prayer for stay made by the petitioner before respondent No.2 is not been decided.

List on 26.07.2024."

3. Upon instructions from Smt.Navneet Kaur (DR Banking) office of RCS, State counsel submits that the proceedings were taken up before the revisional authority on 01.08.2024 and were deferred on the request made by the Clerk to the counsel for the petitioner. She has placed on record copy of the order passed by Special Secretary (A),



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Cooperation, Punjab and the same is reproduced hereunder:

“In the Court of Special Secretary (A), Cooperation, Punjab.

Revision Petition No.29 of 2023

Sh.Raj Karan S/o Sh.Tirath Ram Versus JRCS Jalandhar and 3 others.

Date: 01.08.2024

*Present: Sh. Lovepreet Singh, Clerk to Sh.Naresh Chander,
Advocate for Petitioner.*

Sh. Abhishek Saini, Inspector for Respondent No.3.

Sh. Ashwani Prashar, Advocate for Respondent No.4.

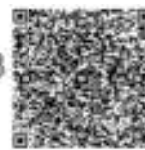
Sh. Ashwani Prashar, Advocate prayed that he has already submitted the written arguments on the matter. However, Sh. Lovepreet Singh, Clerk to Sh.Naresh Chander, Advocate for Petitioner sought time for arguments in the matter in view of unavailability of Counsel for Petitioner. Ld. Counsel for Respondent Bank did not object to it. To come up for arguments on 29.08.2024.

-Sd/-

Special Secretary (A), Cooperation”

4. A perusal of the above reproduced order shows that despite being aware of the fact that the property is likely to be put to auction on 12.08.2024, the petitioner was never represented through his counsel before the revisional authority, rather a request was sent through the Clerk and the matter was adjourned beyond the date of the auction. It is therefore evident that the stand being taken by the petitioner before this Court is against the record.

5. In view of the above facts, this Court is not inclined to



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interfere in the matter

6. Petition is dismissed.

(SUVIR SEHGAL)
JUDGE

07.08.2024

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No