



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

Sr. No.137

**CR-2028-2024 (O&M)
Date of Decision: 09.07.2024**

GURVINDER SINGH

....Petitioner

Versus

HARJIT SINGH AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sunny K. Singla, Advocate,
for the petitioner.

ARCHANA PURI, J. (Oral)

CM-11035-CII-2024

The present application has been filed for placing on record report along with list of property, as Annexure P-8.

In view of the averments made in the application, same is allowed and the requisite documents are taken on record.

Main case

Challenge in the present revision petition is to the order dated 20.01.2024 (Annexure P-7) passed by learned Executing Court, whereby the objections filed by the petitioner/Judgment Debtor, were dismissed.

Notice of motion.

Mr. Karamjit Singh Chahal, Advocate, who is present in the Court, accepts notice on behalf of respondent No.1 (sole contesting respondent) and filed Power of Attorney, which is taken on record.

Heard learned counsel for the parties.

As culled out from paperbook, material facts are that the civil



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suit i.e. CS/904/2015, titled 'Harjit Singh Vs. Gurvinder Singh and another' for seeking recovery of Rs.7,18,000/- was decreed on 30.01.2019, for an amount of Rs.6,00,000/- with the interest component. However, the same was challenged in appeal and the same was also dismissed. Even, the Regular Second Appeal was filed by the petitioner, which is still pending. However, simultaneously, execution was filed by respondent No.1/Decree Holder. At first instance, warrant of attachment was issued and the same was effected and thereupon, directly, vide order dated 12.05.2023, sale warrant of the property of the petitioner/Judgment Debtor, was issued. Copy of the said order passed is Annexure P-3. However thereupon, the application for recall of order dated 12.05.2023 was filed by the petitioner/Judgment Debtor and the said order of warrant of sale was recalled, vide order dated 21.10.2023, copy whereof is Annexure P-5.

It is now submitted by learned counsel that in pursuance of recall of warrant of sale, the petitioner/Judgment Debtor had filed the objections, but however, the objections were dismissed, vide the impugned order dated 20.01.2024, copy whereof is Annexure P-7. It is submitted by learned counsel that even though, attachment was effected, but however, no notice under Order 21 Rule 66 CPC was issued to the petitioner/Judgment Debtor. However, the requisite requirement of issuance of notice under Order 21 Rule 66 CPC, has been overlooked by learned Executing Court, while passing the impugned order.

At this stage, learned counsel for respondent No.1 undertakes to file an application under Order 21 Rule 66 CPC, thereby giving detail of the property, which is to be put to sale, after issuance of formal notice to the petitioner/Judgment Debtor.



However, since the petitioner/Judgment Debtor is in know of the pending execution, in the given circumstances, in view of the necessity of filing an application under Order 21 Rule 66 CPC, the revision petition is hereby accepted and the parties are hereby directed to make appearance before learned Executing Court on 25.07.2024. Respondent No.1/Decree Holder shall file an application under Order 21 Rule 66 CPC, within a period of seven days, after making appearance before learned Executing Court and thereupon, the Court concerned may proceed further, in accordance with law.

In the light of the aforesaid, the revision petition is hereby disposed of.

09.07.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No