

CR-2231-2024 (O&M)

- 1 -

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

127

CR-2231-2024 (O&M)

Date of decision: 22.04.2024.

Simranjit Singh

...Petitioner.

Versus

Allahabad Bank and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Lalit Chander, Advocate
for the petitioner.

Mr. Gaurav Goel, Advocate and
Mr. Tarlok, Advocate
for respondent No.1-Bank.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioner has challenged order dated 01.02.2024 (Annexure P-6) and order dated 06.03.2024 (Annexure P-7), passed by the trial Court, vide which the application filed by the petitioner for stay of the execution proceedings was dismissed and the mortgaged property of the petitioner was ordered to put to auction illegally and arbitrarily.

2. Brief facts which are relevant for adjudication of the present revision petition are that respondent No.1 Allahabad Bank filed mortgage suit under order XXXIV of CPC against the petitioner and proforma respondent No.2 for recovery of Rs.13,26,576/- (i.e. Rs.8,58,064/- being

CR-2231-2024 (O&M)

- 2-

Dairy Term Loan and Rs.4,68,512/- being Dairy Cash Credit Limit account) including interest applied upto date alongwith pendentelite and future interest since 01.02.2015 at the rate of Rs.11.70% per annum with monthly rests and by sale of agricultural land measuring 13 kanals 0 marlas bearing Khata No.116/154 Khasra No.276//19/1 (7-4), 275//16/1 (5-16) situated at Sunam-C as per jamabandi for the year 2004-05 which has been mortgaged by the defendants with the plaintiff bank vide registered Mortgage Deed No.4244 dated 07.02.2008 and Mortgage Deed No.3082 dated 24.12.2009 registered in the office of Sub Registrar, Sunam and by sale of hypothecated dairy goods and crops lying and standing in the mortgaged land and also form the personal and other properties of the defendants jointly and severally.

3. The aforesaid suit was decreed by the trial Court vide judgment and decree dated 20.12.2021. Aggrieved against the said judgment and decree, the appeal was preferred by the appellant before the Appellate Court of District Judge, Sangrur. Alongwith the appeal, an application for staying the operation of the judgment and decree under appeal was also filed but till date the aforesaid appeal as well as application preferred by the petitioner have not been decided.

4. The respondent-Bank has filed the execution application bearing No.EXE/72/2023 under Order 21 Rule 66 CPC before the Civil Judge (Junior Division), Sunam for recovery of amount of Rs.19,98,836/-. The Executing Court vide order dated 01.02.2024 has dismissed the application for staying the execution proceedings. Thereafter, vide order dated 06.03.2024, the Executing Court rejected the objections raised by the

CR-2231-2024 (O&M)

- 3-

petitioner and ordered the mortgaged land to put on auction. Hence, the present revision petition has been filed by the petitioner.

5. During the course of arguments, it has been submitted by learned counsel for the petitioner the he will be satisfied if the First Appellate Court, Sangrur is directed to decide the Civil Appeal No.72 of 2023 preferred against the judgment and decree dated 20.12.2021 passed by the trial Court in a time bound manner.

6. Keeping in view the above and as the execution proceedings are going on for execution of judgment and decree dated 20.12.2021 passed by the trial Court in CIS No.CS-23-2019, the Appellate Court is directed to decide the appeal pending before it against the judgment and decree dated 20.12.2021 expeditiously, in accordance with law, after hearing both the parties, preferably within a period of two months from the date of receipt of a copy of this order. Till then the order dated 06.03.2024 of Executing Court be kept in abeyance.

7. Revision petition is disposed of in the aforesaid terms.

8. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

22.04.2024.
komal

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No