

2024:PHHC:116626



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131

CR-5127-2024 (O&M)
Date of decision: 05.09.2024

Kamal Satish @ Kamal Joshi

...Petitioner

Versus

Indrawati and others

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Japsehaj Singh, Advocate
for the petitioner.

VIKAS SURI, J.

1. Petitioner-judgment debtor Kamal Satish @ Kamal Joshi has instituted this petition under Article 227 of the Constitution of India *inter alia* for setting aside order dated 16.07.2024 (Annexure P-11) and order dated 13.05.2024 (Annexure P-9) whereby the suit property has been ordered to be sold by means of public auction and the proclamation of sale in that regard has been drawn and the auction is scheduled for 06.09.2024. Challenge has also been raised to order dated 14.09.2022 (Annexure P-6) whereby the petitioner was proceeded against *ex parte* and the same has been reflected while recording the presence in order dated 27.03.2023 (Annexure P-8).

2. Learned counsel for the petitioner submits that prior thereto,



on 17.02.2023, the petitioner had come present before the Court as noticed in the order dated 17.02.2023 and suffered a statement that he had no objection if the partition is done as per the judgment and decree dated 31.01.2019. A copy of his Aadhaar Card, after seeing the original, was also retained on record. Learned counsel for the petitioner submits that seeking setting aside of *ex parte* proceedings vide order dated 14.09.2022 (Annexure P-6), the petitioner has already filed an application before the Court below along with another application seeking recalling of order dated 13.05.2024 and 16.07.2024 whereby warrants of sale have been ordered to be issued. The said applications are pending consideration.

2.2 Learned counsel for the petitioner states that the petitioner would be satisfied at this stage in case at the first instance, his application seeking setting aside *ex parte* proceedings is disposed of by the trial Court. The prayer made by learned counsel for the petitioner is not only reasonable but also in consonance with natural justice.

3. In the light of the same, the present petition is disposed of with a direction to the trial Court to dispose of the applications (Annexure P-13 colly.) expeditiously in a time bound manner. It is further ordered that the sale pursuant to the proclamation of sale dated 16.07.2024 (Annexure P-11), if any, be not confirmed till the disposal of the afore-referred applications.

4. As the present revision petition is being disposed in the absence of plaintiff-respondents, liberty is granted to them to seek



recalling of the present order, if valid grounds for the same are made out.

5. The revision petition is disposed of in the aforesaid terms.

September 05, 2024
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(VIKAS SURI)
JUDGE

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